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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME:

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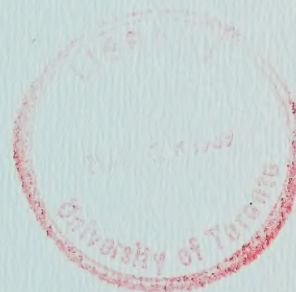
Wednesday, May 17th, 1989

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, May 17th,
1989, commencing at 8:30 a.m.

VOLUME 105

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member



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A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS, Q.C.)	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	

APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH)	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

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I N D E X O F E X H I B I T S

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1 ---Upon commencing at 8:35 a.m.

2 THE CHAIRMAN: Good morning, everyone.
3 Be seated, please.

4 Mr. Cassidy?

5 MR. CASSIDY: Thank you, Mr. Chairman. I
6 am just waiting for Dr. Euler and Mr. McNicol to take
7 the stand, and I expect to be brief.

8 Just by way of introductory remarks, my
9 questions are aimed at Exhibit 489 and are in light of
10 Mr. Freidin's letter dated May 11th, 1989 which has now
11 been entered I believe as Exhibit 577.

12 And now that these gentlemen are in
13 place, my questions are aimed at, I believe Dr. Euler,
14 and will be -- their purpose is to clarify the
15 reporting and approvals that appear to be required by
16 Exhibit 489.

17 JOHN G. McNICOL,
18 DAVID LOWELL EULER, Recalled

19 CROSS-EXAMINATION BY MR. CASSIDY:

20 Q. And, Dr. Euler, if I could ask you
21 the following questions, and I will go slowly. The
22 first question I have is if you can tell me when -- as
23 I understand the guidelines now and the Interim
24 Directions which are Exhibit 489, if you could confirm
25 for me that when any single harvest block is proposed

1 to exceed 260 hectares, then a written rationale for
2 this proposal must be provided to the regional director
3 or the appropriate regional director of the Ministry
4 for his approval; is that correct?

5 DR. EULER: A. Yes, that's correct.

6 Q. All right. Well then, moving on to
7 my second question, where a harvest block or a number
8 of harvest blocks greater than 260 hectares are
9 proposed for the harvest area, the total of which will
10 be greater than 20 per cent but less than 40 per cent
11 of the planned harvested area, am I correct that then
12 once again a written rationale for this proposal must
13 be provided to the appropriate regional director?

14 A. Yes, that's correct.

15 Q. All right. And in these
16 circumstances, does the regional director have a
17 discretion to either approve this proposal or can he
18 send it on to the appropriate field Assistant Deputy
19 Minister for his approval?

20 A. Well, in that circumstance that you
21 describe, there is some flexibility on the part --
22 available to the regional director and he can send it
23 forward or not.

24 Q. But he has the discretion to--

25 A. Yes.

1 Q. --approve it or send it on?

2 A. Yes, that's correct.

3 Q. All right. And if this total area
4 will exceed 40 per cent of the planned harvested area,
5 then must the regional director send the rationale --
6 the written rationale, must he send it on for the
7 proposed cuts on to the ADM for his approval of those
8 cuts?

9 A. Yes, he must send it on at that point
10 for approval by the ADM.

11 Q. Where it exceeds 40 per cent?

12 A. That's correct.

13 Q. And my final question is related, but
14 not in respect of the amounts. Am I correct that the
15 biological rationale in all cases, whether it be going
16 to the regional director or the Assistant Deputy
17 Ministry, the written biological rationale will be
18 provided by the Ministry staff through the planning
19 team?

20 A. Yes, that's correct.

21 MR. CASSIDY: Those are my questions, Mr.
22 Chairman, aimed at clarifying that portion of 489 --
23 Exhibit 489.

24 THE CHAIRMAN: Thank you, Mr. Cassidy.

25 Is there any other counsel for any other

1 party or any party that wishes to question these two
2 witnesses on Exhibit 489 or 577?

3 MS. SEABORN: Mr. Chairman, I don't have
4 any questions for these witnesses, but I just wanted to
5 make it clear that it maybe later on in the proceedings
6 we may be referring to these exhibits again with other
7 witnesses, but I don't have any specific questions for
8 these gentlemen.

9 THE CHAIRMAN: Very well. Thank you,
10 gentlemen.

11 --- (Panel withdraws)

12 THE CHAIRMAN: Mr. Hanna?

13 MR. FREIDIN: Mr. Chairman, if I might
14 just deal with a couple of administrative matters while
15 Mr. Hanna is getting his material here.

16 Firstly, I would like to file a letter
17 dated May the 15th, 1989. It is a letter from Ms.
18 Murphy to, again, I believe all the full-time parties
19 and it is the letter which describes the methodology
20 regarding the size of clearcut exercise which has been
21 worked on jointly by a number of parties to the
22 proceedings.

23 I don't really wish to speak to it at
24 this time, but felt as the implementation of that
25 methodology is imminent that it would be appropriate to

1 have a copy of that agreed upon methodology filed with
2 the Board.

3 THE CHAIRMAN: Okay. That will be
4 Exhibit 590, I believe.

5 ---EXHIBIT NO. 590: Letter dated May the 15th, 1989
6 from K. Murphy re: agreed upon
7 methodology with regard to size of
clearcut exercise.

8 MR. CASSIDY: Mr. Chairman, I do however
9 wish to speak to that just briefly. And, I'm sorry,
10 was that Exhibit 590, Mr. Chairman?

11 THE CHAIRMAN: 590.

12 MR. CASSIDY: Thank you. In respect of
13 this methodology, I would just like to note for the
14 record my client's position and the position of Spruce
15 Falls Power and Paper who I have been asked to speak on
16 behalf of by Ms. Nichols who is counsel for that
17 company.

18 You will recall that some time ago I
19 indicated an interest of our clients in assisting in
20 the development of that methodology and, as you can see
21 by the letter that Ms. Murphy has filed, which is now
22 Exhibit 590, that process went forward.

23 I would like to note for the record at
24 this point that while my clients and Spruce Falls Power
25 and Paper Company have been involved in the development

1 of that methodology, you can appreciate that this is a
2 novel exercise and was, in fact recognized, as such by
3 all parties who were involved in its development.

4 And at this point I would like to reserve
5 the right of my clients and Spruce Falls Power and
6 Paper to challenge the methodology when the samples are
7 taken if it appears at that point to us, upon receiving
8 the proper advice, that there is a flaw in the
9 methodology. And the reason for that is quite simply
10 that it is a novel exercise and it may only be as a
11 result of doing the sample testing that some
12 developmental flaw in the methodology becomes apparent.

13 And I would just simply like that noted
14 for the record, that while we all may take our
15 positions with respect to the results, it may very well
16 be that the methodology becomes in question and I would
17 not want our client's participation in that
18 developmental process to preclude us from making that
19 challenge if it is appropriate.

20 I hope that doesn't arise, but it may
21 very well.

22 THE CHAIRMAN: Any objections to that by
23 any party?

24 MR. FREIDIN: No, I think that's fine. I
25 think Mr. Cassidy would agree that all the parties are

1 hopeful that the methodology won't have any glitches
2 and I think we will all be equally concerned if there
3 are glitches, but I have no objection to Mr. Cassidy
4 putting his position on the record.

5 MR. CASSIDY: I should also indicate, Mr.
6 Chairman, that that is the position of Spruce Falls
7 Power and Paper. For clarity, they reserve their
8 rights as well.

9 THE CHAIRMAN: Very well. It is so
10 noted.

11 MR. FREIDIN: The other document that I
12 would like to file with the Board, Mr. Chairman, is a
13 letter, which I believe all the parties and the Board
14 has received. It is a letter, again, May the 15th,
15 1989 from Ms. Murphy to all the full-time parties in
16 relation to the combining of Panels 12 and 13.

17 You will recall that Ms. Murphy indicated
18 during the scoping session that the combining of those
19 two panels, as suggested by the Board, looked like an
20 impossibility. As is set out in that letter, Ms.
21 Murphy has taken action which now appears to permit the
22 hearing of that evidence together.

23 There will be a bit of a problem in terms
24 of scheduling one of the witnesses, but I think the
25 suggested procedure described in that letter would

1 probably not work any prejudice to anybody.

2 And, again, I wanted to advise the Board
3 that we have taken the Board's suggestion that we will
4 in fact -- we would like to present that evidence in
5 Panels 12 and 13, except for Mr. Kingsbury, together
6 and we felt we should raise that now, perhaps file the
7 letter so that the matter was in fact discussed before
8 the Board in an open session and that the Board could
9 indicate that, in fact, it would be appropriate for us
10 to proceed in that fashion.

11 THE CHAIRMAN: Very well. Do you want to
12 file the letter now?

13 MR. FREIDIN: I think I should.

14 THE CHAIRMAN: All right. Exhibit 591.

15 ---EXHIBIT NO. 591: Letter dated May 15, 1989 from K.
16 Murphy re: combined evidence of
 Panels 12 & 13.

17 MR. FREIDIN: I understand --

18 THE CHAIRMAN: And we can indicate that
19 the Board is fully in agreement with this proposal, but
20 it looks like counsel may not be.

21 MR. FREIDIN: Well, I know Mr. Lindgren
22 had indicated to me he had something to say about this.
23 It looks like I will make way.

24 MR. LINDGREN: We don't have a problem
25 with the proposal, Mr. Chairman. We are quite prepared

1 to display some flexibility to accommodate the
2 scheduling of Mr. Nicolson.

3 However, it may be necessary to
4 accommodate the schedule of Mr. Castrilli. He has been
5 out of the country since the day after the scoping
6 session and he will not be returning until June 2nd.

7 Upon his arrival he was planning to
8 prepare his cross-examination for Panel 12, he now will
9 be preparing for Panel 13 as well. He may be requiring
10 some additional time to prepare.

11 I just wanted to put the Board on notice
12 that that request may be forthcoming.

13 THE CHAIRMAN: Well, we hear what you are
14 saying, Mr. Lindgren, but by the same token you might
15 advise Mr. Castrilli and Ms. Swenarchuk and yourself
16 that the Board really wishes to proceed with this case
17 as expeditiously as possible.

18 You are dealing in your case with the
19 situation where there are three counsel involved, and
20 in the event that one counsel is unavailable for
21 whatever reason, the Board expects the remaining
22 counsel to be in a position to carry the ball and this,
23 of course, goes for all of the parties.

24 We realize that it places hardship on the
25 parties from time to time, but when we see an

1 opportunity in terms of scoping to expedite and shorten
2 the proceedings and take advantage of that opportunity,
3 and for whatever reason it seems to work out, we are
4 not particularly disposed to losing that advantage by
5 reason that counsel is either unavailable or
6 unprepared.

7 And so we are clearly advising in advance
8 that your side should be taking whatever steps are
9 necessary to ensure that the cross-examination for both
10 panels could be accomplished.

11 And it may be that between the three of
12 you, you will have to substitute for each other if Mr.
13 Castrilli is unavailable at that time. But the Board
14 will not look necessarily favourably upon a request for
15 an adjournment for that reason.

16 MR. LINDGREN: Well, I certainly
17 appreciate your concerns, Mr. Chairman.

18 THE CHAIRMAN: As it is, as you are
19 aware, we are not going to be sitting until the 2nd of
20 June after today and we won't be ready to start those
21 panels then anyways because we will still be completing
22 this panel with Ms. Swenarchuk's examination, as well
23 as Mr. Freidin's re-examination.

24 MR. FREIDIN: I am anticipating that
25 panel, Panel 12 and 13, would probably commence on the

1 5th of June.

2 THE CHAIRMAN: Of June, right.

3 MR. FREIDIN: We have got two days in
4 Toronto, we should be able to finish this panel.

5 THE CHAIRMAN: That's correct.

6 MR. LINDGREN: I will --

7 THE CHAIRMAN: And then there is the
8 direct evidence to put in before you get to the
9 cross-examinations as well.

10 MR. LINDGREN: We will certainly use our
11 best efforts to prepare and ensure that we are ready on
12 time. I would just like to put the Board on notice
13 that this request may be made.

14 THE CHAIRMAN: Okay. Well, the Board
15 would like to put you on notice that your request is
16 made and you now have notice of the Board's concerns
17 about your request.

18 MR. LINDGREN: Your notice has been duly
19 noted, Mr. Chairman.

20 THE CHAIRMAN: Thank you.

21 MS. CRONK: I'm not sure I could sort all
22 out that, sir, I'm glad that it has nothing to do with
23 why I rise.

24 I have told Ms. Murphy that obviously we
25 will cooperate in any way possible to permit this to

1 happen, but I rise because I don't know if the Board
2 had seen this letter earlier, there is no particular
3 reason to go through it now, but there are two
4 scheduling difficulties alluded to in the letter.

5 The first concerns Mr. Nicolson's
6 availability, and Ms. Murphy indicates that she expects
7 the evidence-in-chief will take approximately a week
8 which would put us, as the first party in the normal
9 course, up on cross-examination the week of June 14th.
10 No difficulty with that.

11 I just wanted to draw to the Board's
12 attention that the effect of this is really asking us
13 to stand down, potentially our cross-examination of Mr.
14 Nicolson, for a deferred date, as well as our
15 cross-examination of Dr. Kingsbury.

16 I have no difficulty with that at all,
17 but I just wanted to let the Board know that we will be
18 asking for some flexibility with respect to that
19 because obviously when you remove two people from a
20 panel and the evidence-in-chief is coming in from them
21 as a group, I can't tell at this point in time how the
22 questions may overlap, and I don't want to be in the
23 situation where objection is taken to questions put to
24 Mr. Nicolson because I should have put them put to Mr.
25 "x" in Mr. Nicolson's absence.

1 So I am not asking for a ruling, I am
2 simply rising to say that it appears that we will be
3 the party affected by any timing difficulty. But
4 that's not a problem, we are prepared to cooperate, but
5 it may simply mean I will be before you three times on
6 this panel, and I didn't want that to come as a
7 surprise.

8 THE CHAIRMAN: We will certainly remain
9 flexible in--

10 MS. CRONK: Thank you, sir.

11 THE CHAIRMAN: --order to preserve your
12 rights to cross-examine the appropriate person.

13 MS. CRONK: Thank you.

14 THE CHAIRMAN: Okay. Mr. Hanna, we are
15 ready to start with you now, and I just wanted to
16 advise at the beginning that the Board will be rising
17 at a quarter to one until two o'clock for lunch and
18 then come back and finish off for the afternoon.

19 One of the panel members, namely myself,
20 has a commitment during the lunch hour.

21 Thank you.

22 MR. HANNA: Thank you, Mr. Chairman. Mr.
23 Chairman, we were not here at the scoping sessions for
24 Panel 12 and 13 and I would simply, for the record,
25 like to say that my client fully supports the efforts

1 of the Board to expedite this hearing and supports
2 fully the suggestion to combine Panels 12 and 13.

3 THE CHAIRMAN: Thank you.

4 MR. HANNA: Mr. Chairman, today I hope to
5 deal with Mr. Hynard and Mr. Hogg. I will not be able
6 to -- I will not be having questions for the other
7 members of the panel. There may be supplementary
8 questions, but my major questions will be focused to
9 those two gentlemen.

10 The exhibits that I will be referring to
11 are as follows: Exhibit 310, which is the Moose
12 Guidelines I believe; Exhibit 382, which I can't tell
13 you what it is right at the moment but I will when I
14 come to it; the spruce --

15 Thank you, Ms. Koven.

16 It is the Spruce Silvicultural
17 Guidelines; Exhibit 472, which I believe was introduced
18 into evidence by Dr. Euler, it is one of his handouts;
19 and Exhibit 575 which I believe was a handout Mr. Hogg
20 provided for the Board; Exhibit 589 which was the
21 National Forest Sector Strategy which was introduced
22 yesterday; and, finally, Exhibit 482 which is the
23 hand-drawn sketch that Dr. Euler prepared and I believe
24 is up on the board.

25 THE CHAIRMAN: Okay.

1 JOHN TRUMAN ALLIN,
2 PETER PHILLIP HYNARD,
3 RICHARD BRUCE GREENWOOD,
4 CAMERON D. CLARK,
5 FRANK D. KENNEDY,
6 WILLIAM DOUGLAS BAKER,
7 ROBERT ELLIOTT,
8 RONALD ORVAL WAITO,
9 DAVID M. HOGG, Resumed

10 CONTINUED CROSS-EXAMINATION BY MR. HANNA:

11 Q. Mr. Hynard, good morning. I would
12 like to refer you to page 70, paragraph 5 of your
13 witness statement.

14 MR. HYNARD: A. I have that page.

15 Q. I believe the Ontario Federation of
16 Anglers & Hunters submitted an interrogatory on this
17 paragraph. Are you familiar with that?

18 A. Yes, I am.

19 MR. HANNA: Mr. Chairman, I would like to
20 file the interrogatory at this time, if I may.

21 THE CHAIRMAN: Very well. Exhibit 592.

22 MS. CRONK: Which one?

23 MR. HANNA: I was going to file the
24 package, if I could.

25 THE CHAIRMAN: Oh, of all the
interrogatories?

 MR. HANNA: Yes, because we may be
referring to it later in evidence.

 THE CHAIRMAN: Very well. Could you

1 indicate to us what questions they deal with?

2 MR. HANNA: Yes. I am going to be
3 dealing with -- oh, I'm sorry. Sorry, Mr. Chairman,
4 could you clarify that? I'm sorry, I didn't understand
5 your question.

6 THE CHAIRMAN: I was just wondering if
7 you could refer us to the questions dealt with in those
8 interrogatories.

9 MS. CRONK: The interrogatory numbers.

10 THE CHAIRMAN: The question numbers.

11 MR. FREIDIN: Which interrogatories are
12 in the package?

13 MR. HANNA: This is Panel 11
14 interrogatories from the Ontario Federation of Anglers
15 & Hunters and I believe it goes from Question 1 to --
16 you want the number...

17 THE CHAIRMAN: Oh, it's all of the
18 questions that you asked with respect to this panel?

19 MR. HANNA: Yes, sir.

20 THE CHAIRMAN: Okay. So it's Questions 1
21 through -- what's the last one?

22 MR. HANNA: 19.

23 THE CHAIRMAN: Thank you. As everyone
24 will note, these are in two parts. We will give it the
25 one exhibit number. Exhibit 592 being OFAH

1 Interrogatories Questions 1 through 19.

2 ---EXHIBIT NO. 592: OFAH Interrogatory Nos. 1 through
3 19 and answers thereto.

4 MR. HANNA: Q. I believe Question 1
5 deals with this paragraph of your witness statement; is
6 that correct, Mr. Hynard?

7 MR. HYNARD: A. Yes, Question 1 deals
8 with that.

9 MR. HANNA: Mr. Chairman, just for the
10 record, there is something else perhaps I just should
11 note. In the package that I have submitted to you
12 there is a number of policies that are referred to,
13 because of the volume of material and whatever, I did
14 not include those in the package that has been
15 submitted to the Board, just for your notice.

16 If necessary, they can be submitted
17 individually if we refer to them, but I have not
18 included them in the package, just for the record.

19 THE CHAIRMAN: Very well.

20 MR. HANNA: Q. Now, Mr. Hynard, this
21 interrogatory was dealing with the question of how unit
22 foresters, in making renewal decisions, deal with the
23 five decision criteria -- decision variables that are
24 listed in paragraph 5 and how those tradeoffs are made.

25 You recall -- that's your sense of the

1 question?

2 MR. HYNARD: A. Yes, that's the sense of
3 the question.

4 Q. Now, the first part of the answer
5 which -- paragraph 1 of that question has dealt with an
6 answer (a), and the first part of answer (a) provides a
7 list of the policies that are available to unit
8 foresters to refer to in making those decisions.

9 And then the last two paragraphs of the
10 answer under section (a) talks about the silvicultural
11 guidelines and says that you take all these into
12 account and that's how you make the tradeoffs; is that
13 correct?

14 A. Yes, that's what it says.

15 Q. Now, do you know of anywhere in any
16 of these material that's referred to here where it is
17 described how you deal with economic efficiency versus,
18 say, the silvical characteristics of the species being
19 considered?

20 A. I can't offhand recall a specific
21 reference in one or more of those dozen or two policies
22 and bulletins that do that, and I'm not sure that it is
23 necessary that they do.

24 Q. But that was the essence of the
25 question: What direction is there to aid unit

1 foresters making those tradeoff decisions, and one of
2 the variables that you have indicated is economic
3 efficiency, plus a variety of other things.

4 And, in fact, I didn't see reference to
5 economics in any of those -- any of that material that
6 was brought forward.

7 A. Yes. Mr. Hanna, I just gave you an
8 incorrect answer.

9 Q. So let's correct it then.

10 A. You asked me if those policies and
11 bulletins provide the direction for unit foresters to
12 make those tradeoffs.

13 Q. Correct.

14 A. And I answered yes, and that's wrong.
15 It does not provide direction for making tradeoffs. It
16 just provides direction and factors to consider in
17 carrying out renewal operations; it does not provide
18 direction for making tradeoffs.

19 Q. Perhaps then we should read this
20 question. I think what you are telling me is that the
21 answer to the interrogatory doesn't answer the question
22 that's been posed. The question I think is quite
23 straightforward, it says:

24 "Please provide any policy, directive,
25 guidelines or manuals provided to unit

1 foresters to direct them in making the
2 required tradeoff decisions among these
3 variables?"

4 A. Yes. Taken in that very literal
5 sense, that's right, those policies and bulletins are
6 provided to unit foresters to provide them direction in
7 making decisions, but I don't believe that it gives
8 them direction in making tradeoff decisions.

9 Q. Thank you. Can we turn to Exhibit
10 589, please.

11 MR. HANNA: Mr. Chairman, just to explain
12 where I am going there. This is our infamous Forest
13 Sector Strategy we talked about yesterday. I am not
14 intending to go back through the policy of this in any
15 way whatsoever.

16 What I would like to do, is this strategy
17 sets out some very specific directions in terms of how
18 operational level decisions, such as renewal decisions,
19 should be made and I would like to go through this
20 policy and refer back to these decision variables that
21 Mr. Hynard has raised and to see how these balance, how
22 the two, if you will, jive in terms of the way
23 decisions are made by the Ministry.

24 THE CHAIRMAN: All right. Just a moment
25 until I find it.

1 MRS. KOVEN: Which page number are you --

2 MR. HANNA: I am going to turn to (v)
3 first, Ms. Koven.

4 Perhaps also for the record, Mr.
5 Chairman, I believe I indicated yesterday -- I did ask
6 Mr. Hynard to read this last Friday, so I believe he
7 has had some time to consider this document.

8 MR. HYNARD: Well, I received it on
9 Monday. You've got to remember that there is a time
10 lag between when an order is given and when it's
11 carried out.

12 I received it on Monday. I read it with
13 the other papers that you provided me on Monday night
14 and I glanced through it, I did not read it and absorb
15 all of it, nor memorize it, but I did read through it.

16 MR. HANNA: Q. You would agree with me
17 it is very influential, though, in your business and
18 your particular responsibility as a unit forester?

19 It has some very specific direction to
20 people in your types of position; is that not correct?

21 MR. HYNARD: A. No, I didn't see it that
22 way at all.

23 Q. Well, maybe when we go through it
24 perhaps we can see if that is the case.

25 A. You see, the way I saw this National

1 Forestry Sector Strategy, it resulted from a meeting of
2 the Canadian Council of Forest Ministers. We are
3 talking about provincial and national matters, policy
4 matters and on a national scale. And the part that
5 struck me on that page that you just referred to, the
6 second paragraph, it says:

7 "This strategy is not a detailed
8 blueprint for the development of a forest
9 sector. It is a guide for government,
10 industry, labour and other Canadians with
11 a stake in the forest resource to
12 undertake actions to meet strategic
13 national aims within the next five
14 years."

15 Now, that has an indirect connection all
16 right with me as a unit forester working at a
17 management unit level, but only in that very broad and
18 indirect sense.

19 When I read through it and looked at
20 those recommendations, it was to me like motherhood and
21 apple pie. Well, apple is my favorite pie, but I don't
22 do much baking.

23 Q. Good. Well, let's go through them
24 individually and we can discuss this, Mr. Hynard.

25 You did refer to the paragraph that I

1 did -- that I wanted to first deal with and that is the
2 second sentence there which says:

3 "...within the next five years."

4 Does this suggest to you that they are
5 looking at the recommendations contained in this to
6 occur - seeing that this was done in 1987 - about 1992;
7 '78 plus 5 is '92; correct?

8 A. Yes. It says, it is a guide for all
9 of these various parties, interest groups to undertake
10 actions within the next five years. That's exactly
11 what it says.

12 Q. And is not the term of this
13 application from the time that the Board gives its
14 approval to six years hence? Is that not what the
15 Ministry is asking approval for, for a six-year stint?

16 Perhaps Mr. Clark can answer that. I
17 don't want to belabour this, I just want to -- Mr.
18 Kennedy, perhaps you can answer.

19 MR. KENNEDY: A. Yes, it is.

20 Q. Thank you.

21 THE CHAIRMAN: Mr. Hanna, can you tell us
22 what status this document has? Is this a government
23 policy that is approved to the extent that it has the
24 status of a policy?

25 MR. HANNA: Perhaps, Mr. Chairman, I can

1 enter the next exhibit that I have which is part of
2 this and I think that will answer your question.

3 THE CHAIRMAN: Very well.

4 MR. HANNA: What this is, Mr. Chairman,
5 is the Implementation Progress Report for the National
6 Forest Sector Strategy, and I believe that the covering
7 letter on this is from a Vincent G. Kerrio who, I
8 believe, is the Minister of Natural Resources.

9 I think the letter is self-evident in
10 terms of its status.

11 THE CHAIRMAN: That will be Exhibit 593.

12 MR. HANNA: (handed)

13 THE CHAIRMAN: Thank you.

14 ---EXHIBIT NO. 593: Implementation Progress Report
15 re: National Forest Sector
Strategy.

16 MR. HYNARD: Mr. Hanna, could I have a
17 copy of that too?

18 MR. HANNA: Oh, I'm sorry. (handed)

19 To answer your question Mr. Chairman,
20 it's my understanding that this policy has been
21 endorsed by all, I believe they are called Forest
22 Resource Ministers or whatever the term is, across the
23 country and by the National Government, the Canadian
24 Forestry Service.

25 So I believe that it has received

1 unanimous adoption. I believe also that the strategy -
2 I don't want to go into detail now about the evolution
3 of it - but I was believe it was developed not solely
4 by government, but was a joint undertaking of
5 government, industry and public interest groups.

6 MS. CRONK: Mr. Chairman, I rise simply
7 because your question I understood was: What is the
8 status of this document. I didn't rise with the
9 explanation given, although clearly I could have.

10 The point is there may be some difference
11 of opinion as to what the status of this document is
12 and I put it no further at the moment.

13 THE CHAIRMAN: Right. What I think the
14 Board is trying to understand, before we get into
15 questioning of this particular witness on it, is in
16 effect are employees of the Ministry supposedly bound
17 by the strategy outlined in this policy document.

18 And I think the answer to that question
19 makes a difference in terms of the context in which it
20 has been placed. And I take it, Mr. Freidin, you
21 aren't aware at this point of what the status of this
22 document is within MNR?

23 MR. FREIDIN: I can't advise you of that
24 at this time.

25 MR. HANNA: Perhaps Mr. Kennedy might be

1 able to help.

2 MR. HYNARD: I note, Mr. Hanna, that Mr.
3 Kennedy has just pointed out to me, this isn't an MNR
4 document, the Forest Sector Strategy, nor is the
5 Implementation Progress Report which you just filed.

6 It's signed by Vincent G. Kerrio all
7 right, but not in his capacity as the Minister, but in
8 his capacity as the Chairman of the Canadian Council of
9 Forest Ministers.

10 MR. HANNA: I think in answering the
11 Chairman's question I was simply trying to put it in
12 that context, in fact, that that group of people have
13 endorsed it.

14 I personally can't answer the question,
15 Mr. Chairman, as to what its status is within the
16 Ministry. My interpretation of it - and why I am
17 leading the questions - is that I am not presupposing
18 that it's policy in the terms that we might use it,
19 informal policy of the Ministry, but rather that this
20 is something that the Ministry has been involved in
21 developing, has endorsed as, how will I say, an overall
22 strategy through its involvement, but not necessarily
23 specifically in terms of it being formal Ministry
24 policy in that sense.

25 THE CHAIRMAN: All right. Well, perhaps

1 just to put it in the appropriate context for some time
2 later. Mr. Freidin, could you undertake to find out
3 what the status of this document is within the
4 Ministry?

5 MR. FREIDIN: Yes, sir.

6 THE CHAIRMAN: And, Mr. Hynard, I take it
7 that you as a unit forester have not been advised
8 formally of the contents of these documents in terms of
9 anything they recommend being required to be applied by
10 unit foresters at this time?

11 MR. HYNARD: That's right. Mr. Chairman,
12 I haven't, at least not in a direct sense.

13 It is possible that the Ministry has
14 adopted a policy arising from this strategy that
15 contains an element which has been directed to me. I
16 don't know that for sure, not without doing a great
17 deal of analysis of this report and the actions
18 springing go from it.

19 But I would like to say, Mr. Chairman,
20 that in answering questions with respect to this
21 document and the Implementation Strategy, that I am
22 really not qualified in any way to deal with policy at
23 a national or even provincial level.

24 I am a unit forester, a field forester, I
25 have been brought here to testify on renewal

1 activities, how we make those decisions on the ground
2 and what the nature of those actions and activities
3 are.

4 I'm really not qualified at all, nor will
5 I comment on national strategies.

6 MR. HANNA: Mr. Chairman, I have no
7 intention of asking this witness those sorts of
8 questions.

9 THE CHAIRMAN: Okay. Well, let's see
10 where you are going to go with your cross-examination.

11 MR. HANNA: Sure.

12 THE CHAIRMAN: And see to the extent to
13 which this panel can be helpful in answering^e your
14 questions.

15 MR. HANNA: Q. Mr. Hynard, can we turn
16 to the next page (vi), just read the last sentence,
17 please. I believe it may lead some clarity on the
18 discussion we've just had. The very last sentence on
19 that page.

20 MR HYNARD: A. Yes, I have read that
21 sentence.

22 Q. Could you read it, just so it's on
23 the record.

24 A. "It is hoped that others will adopt
25 the strategy after seeing that

1 influential delegates expressed their
2 commitment to it."

3 MR. HANNA: So I think that perhaps
4 summarizes its status. From my point of view, Mr.
5 Chairman, it's something that is being given out as
6 guidance to other groups but not as -- that's why I was
7 saying I don't see it as formal policy necessarily of
8 the Ministry at this time.

9 Q. Can we turn to page 10 of the
10 document, please, Mr. Hynard. On page 10. Now, the
11 second recommendation there, would you just read that,
12 please. It's in italics.

13 A. The words read:

14 "It is recommended that allocation to
15 exclusive uses be subjected to rigorous
16 cost/benefit analysis and the loss of
17 supply through reallocation or withdrawal
18 of commercial forest levels be offset
19 where practicable by more intensive
20 management on the remaining forests."

21 Q. Now, the reason I'm asking tha tto
22 put that in the context of a unit forester, is I am
23 going back and I am looking at these decision variables
24 that we have talked about in paragraph 5 of your
25 witness statement and I'm looking at what is sort of

1 the general thrust of what is being laid out here in
2 this concept of a rigorous cost/benefit analysis and I
3 am trying to match those two.

4 That seems to me a very specific type of
5 recommendation that would be implemented at your level,
6 your level being that unit forester making the timber
7 management plan, and I'm trying to reconcile that
8 recommendation with your paragraph 5.

9 Do you understand my question?

10 A. Yes.

11 Q. Okay. Well, could you please give me
12 your comments then in that respect.

13 A. You wish to see a reconciliation
14 between Item 5 of the witness statement on page 70 and
15 the recommendation which you just had me read?

16 Q. The recommendation, this concept of
17 this rigorous cost/benefit analysis type of approach.

18 MR. FREIDIN: Mr. Chairman, this document
19 that my friend is suggesting -- this document doesn't
20 deal with renewal and decision-making at the local
21 level. I mean this particular comment, as I read this
22 document, is made in relation to setting aside areas
23 for wilderness areas and parks, somehow allocating
24 areas, taking them out of the land base for forestry
25 purposes.

1 And having to consider the larger
2 ramifications of that, it has nothing to do with
3 renewal. In my respectful submission, I don't know
4 where we are going with this.

5 MR. HYNARD: Well, that's exactly right,
6 Mr. Hanna. That recommendation deals with making
7 decisions on land use, with dedicating a piece of land
8 to an exclusive use; whereas Item 5 on that list of
9 factors, Influencing the Choice of Regeneration Method,
10 has nothing whatsoever to do with committing land or
11 dedicating land to an exclusive use.

12 So it's difficult to provide you an exact
13 reconciliation between those two statements, they are
14 on different subjects.

15 MR. HANNA: Q. Would an area of concern
16 be -- an area of concern set aside decided to be a
17 reserve be considered an exclusive use?

18 MR. HYNARD: A. No, it certainly would
19 not necessarily. The identification of a value there
20 and the expression that it is an area of concern with
21 another forest use or value that requires some
22 protection in order to meet other Ministry objectives,
23 does not necessarily mean that it will be the exclusive
24 use.

25 I think that if you take that

1 recommendation -- if you were to ask my opinion on that
2 recommendation, I would be in agreement with it.

3 If we are talking about major
4 withdrawals, removing land from availability for timber
5 production for some other use like a park, I think that
6 that is a good recommendation, that we should look at
7 the cost/benefit analysis in addition to other factors
8 in making that decision.

9 If you are talking about a few hectares
10 of modified operation or even larger than a few
11 hectares resulting from an area of concern, I certainly
12 would not subject that to the same rigorous
13 cost/benefit analysis or I would be sitting around
14 calculating day in and day out especially if the
15 resulting loss of timber productivity from that AOC
16 prescription is not a limiting factor to my ability to
17 meet by timber production targets.

18 Q. But my question wasn't that you could
19 do a modified cut, but you could end up saying: No, I
20 cannot do any cut, a reserve.

21 A. Well, certainly that's a possible
22 outcome and if you were to ask me about my opinion with
23 respect to that recommendation in such a situation, I
24 would say no. We are talking about a fairly small area
25 and a fairly insignificant impact for one of these,

1 which would put me through a rigorous - the word is
2 rigorous - analysis to come to a fairly easy decision,
3 and if the loss of that productivity -- timber
4 productivity that results is not a limiting factor for
5 my ability to achieve my timber production objectives,
6 it is really quite a rigorous analysis without a great
7 deal of purpose.

8 Q. Can you tell me -- can you give me an
9 example where you have done a rigorous cost/benefit
10 analysis and the amount of time it took you? Just one
11 example, a specific example I can refer to.

12 A. Well, I'm afraid you'd ask to see how
13 rigorous they were.

14 MS. BLASTORAH: Mr. Chairman, again, how
15 can the length of time it takes to do one analysis of
16 one specific incident be of any help to the Board in
17 this kind of examination. I just don't understand the
18 value of this.

19 MR. HANNA: Mr. Chairman, I am not sure
20 whether that was evidence of Mr. Hynard or that was
21 evidence of Ms. Blastorah or that was an interjection.
22 I'm not sure.

23 THE CHAIRMAN: Look, Mr. Hanna, if you
24 are going to ask the witness if he's ever done one to
25 get at the depth of his experience in doing one, that's

1 one thing. But what does the time required to do one
2 have to do with renewal or tending?

3 MR. HANNA: I believe, Mr. Chairman, that
4 the witness has just indicated to us the reason in his
5 opinion that it would be inappropriate to undertake
6 this sort of analysis for areas of concern or those
7 types of exclusions in terms of forestry activities
8 would be that it would be an inordinate amount of time,
9 it would be too much effort, it wouldn't be worth the
10 level of effort that's required.

11 I am simply asking, I have no idea what
12 this gentleman is expecting might be required to do
13 that. I may feel that it takes you two hours, he may
14 figure it takes two years. I am trying to get some
15 idea as to what his expectation is to undertake that
16 sort of analysis.

17 THE CHAIRMAN: All right. Have you ever
18 undertaken cost/benefit analysis, Mr. Hynard?

19 MR. HYNARD: Yes, I have.

20 THE CHAIRMAN: And how long did it take
21 you in the instance that you are referring to?

22 MR. HYNARD: Well, I have done several
23 and actually it varies tremendously and it would vary
24 depending on the purpose to which you are going to put
25 it, and the degree to which it is going to be

1 scrutinized.

2 The one that I did was with regard to no
3 cut reserves to be left along municipal and cottage
4 roads leading into a cottage subdivision and I based it
5 on a straight cost, or opportunity cost of that lost
6 timber value and its contribution to the economy per
7 cottage to provide these people with a better view on
8 their drive in, and it came to something like \$18,000
9 per cottage.

10 THE CHAIRMAN: And how long did it take
11 you?

12 MR. HYNARD: It took me perhaps an hour.

13 THE CHAIRMAN: Okay.

14 MR. HYNARD: If I didn't have the data it
15 could take me a lot longer.

16 THE CHAIRMAN: And would you call that a
17 rigorous cost/benefit analysis?

18 MR. HYNARD: No, I don't think that was
19 very rigorous, no.

20 MR. HANNA: Q. Well, have you undertaken
21 a rigorous cost/benefit analysis?

22 MR. HYNARD: A. Not with respect to
23 allocations of land to exclusive uses, no. But I think
24 it's a good idea where we are talking about major
25 impact on the ability to grow wood, yes.

1 If we are talking about -- and I
2 certainly wouldn't rule it out. I think that's a good
3 recommendation, but that doesn't mean that I would
4 apply it in all circumstances.

5 MR. HANNA: Mr. Chairman, could I ask the
6 witness to provide me with that cost/benefit analysis
7 he referred to?

8 THE CHAIRMAN: For what purpose?

9 MR. HANNA: Well, I would like to see the
10 level of effort. It may be that that turns out to be a
11 rigorous cost/benefit analysis.

12 THE CHAIRMAN: No, I don't think that is
13 reasonable under the circumstances.

14 MR. HANNA: Q. Can we turn to Exhibit
15 593, please, Mr. Hynard.

16 MR HYNARD: A. That wasn't on your list,
17 Mr. Hanna. Which is that?

18 Q. No, it's the one we just introduced.
19 The one under your Minister's signature.

20 A. Well, again, I have had absolutely no
21 opportunity to look at this, Mr. Hanna. You have just
22 filed it this morning.

23 Q. I believe that you'll find that it's
24 structured exactly around the report you just read and
25 I think the questions you will see do not require a

1 complete understanding at this time.

2 THE CHAIRMAN: Well, it's a 75-page
3 document. Ask your question and let's see how complex
4 the question is.

5 MR. HANNA: Yes, sir.

6 Q. Can we turn to page (v) which is the
7 executive summary in the table, and at the bottom under
8 the Strategy Recommendations there's a component called
9 the Forest and Its Management. Do you see that?

10 MR. HYNARD: A. Yes.

11 MR. FREIDIN: Which one?

12 MR. HANNA: Q. And the action
13 required --

14 MR. HANNA: Perhaps, Mr. Chairman, just
15 to put this in context. What occurred here was they --
16 to prepare the implementation report, as I understand
17 it, a survey of industry, government and public
18 interest groups was undertaken and this table
19 summarizes the results of that assessment of the
20 current status of the implementation of the strategy.

21 So this table is a summary of that
22 analysis that has been undertaken.

23 THE CHAIRMAN: But it refers to a
24 conservation strategy; doesn't it?

25 MR. HANNA: Well, it refers to three

1 recommendations that were in the -- that were in the
2 strategy, one of them is what I have just referred to.
3 One is, you see, is forest renewal.

4 Q. And as I see the first bullet there
5 under action required, could you read that, please, Mr.
6 Hynard?

7 MR HYNARD: A. "Increased use of
8 cost/benefit studies from both a
9 scientific and economic perspective by
10 the forest sector."

11 Q. So this was issued this year. So
12 what this is saying is that there still is, I say, a
13 concern that this is an action that needs to be
14 implemented even further in forest management,
15 particularly in this case with the recommendation
16 concerning forest renewal?

17 A. Yes, that -- as I read it on there,
18 it's with respect to forest renewal that we are talking
19 here, not dedicating lands to exclusive uses. We have
20 changed the subject; haven't we?

21 Q. Well, I think if you look you will
22 see that they are all inter-related but, yes, I can go
23 through this. There other places where this is
24 recommended but because it's particularly dealing with
25 forest renewal, I thought I would raise it at this

1 time.

2 MR. FREIDIN: Well, Mr. Chairman, Forest
3 and Its Management on the left-hand page says: Refer
4 to pages 7 to 40.

5 Surely the conclusions that one can draw
6 as to what this might mean in the context of this
7 report would require the witness to have some
8 appreciation of what is on pages 7 to 40. I mean --

9 MR. HYNARD: Also that action required
10 there, there's a qualification to that. It's based on
11 concerns expressed by respondents, so I have no idea of
12 the status of that action required.

13 Really, Mr. Hanna, in all fairness to me,
14 you really can't expect me to comment on a document
15 like this in an area beyond my expertise at first
16 glance. I can't give you an opinion that would be of
17 any use to any one in this room.

18 MR. HANNA: Mr. Chairman, I appreciate
19 the difficulty the witness is having. As you
20 appreciate, this document has come out very recently.
21 Is there an expedient way to deal with this rather than
22 spend more time now. I don't think this is very
23 productive what we are doing now?

24 THE CHAIRMAN: Well, I suppose you can
25 bring it in through your own witnesses at some stage.

1 MS. BLASTORAH: Mr. Chairman, I hesitate
2 to rise again, but even if Mr. Hynard were able to
3 comment on this, I don't know what the value of it
4 would be. It's a very general statement and unless Mr.
5 Hanna wants to call his own evidence as to what that
6 statement means, or how it should be applied or
7 something to that effect, I don't see how anything that
8 we can offer as to that broad general statement is
9 going to be of any assistance to the Board and I would
10 just agree with your comment, that it is appropriate to
11 deal with it through his own witnesses.

12 THE CHAIRMAN: Well, in any event, Mr.
13 Hanna, I don't think we can really deal with it in
14 terms of this cross-examination simply because the
15 witness is not familiar with it and I don't think
16 fairly can be expected to pose answers, give opinions
17 on a document that will require a careful reading, if
18 in fact it is relevant in the context within which Mr.
19 Hynard operates.

20 If you wish to deal with it further, I
21 suggest that you bring it in through one of your own
22 witnesses at the appropriate time and try and place
23 whatever meaning your witnesses wish to place upon it,
24 and then the Ministry would be obliged, if they feel it
25 necessary, to respond.

1 MR. HANNA: Thank you, Mr. Chairman.
2 Might I suggest that some of this also, I think, may
3 come into Panel 15 because it ends up in the planning
4 component.

5 I would like to reserve the opportunity
6 perhaps to ask questions at that time that relate
7 specifically, that comes up in that evidence, that
8 deals specifically with this evidence.

9 THE CHAIRMAN: Well, it's part of the
10 record, it's been admitted as an exhibit. When we get
11 to Panel 15, if it's relevant to what that panel is
12 then dealing with, you can certainly refer to it. In
13 addition to that, you would have the opportunity to
14 refer to it in terms of your own case.

15 MR. HANNA: Thank you, Mr. Chairman.

16 MR. HYNARD: Or you could simply ask me
17 the question, whether I support the view that there
18 should be an increased use of cost/benefit studies or
19 analysis in making renewal decisions. I think it might
20 be as easy as that.

21 MR. HANNA: I think we have gone far
22 enough, Mr. Hynard. We will deal with it later.

23 THE CHAIRMAN: Okay.

24 MR. HANNA: Q. Mr. Hogg?

25 MR. HOGG: A. Mr. Hanna, I wonder if I

1 might just make a point arising out of yesterday's
2 discussion.

3 Q. Certainly.

4 A. At one point there you asked me in a
5 straightforward fashion if I was a moose manager and I
6 acknowledged that I was.

7 After a slight bit of hesitation - and I
8 didn't want to mislead you or confuse the Board with
9 that particular answer - I was qualified by Mr. Freidin
10 as a wildlife biologist. I do have knowledge of moose
11 management and I am certainly the person on this panel
12 to talk about moose management, but there may be
13 intricacies of the program that I'm not particularly up
14 on and I wouldn't want to mislead you, let's say, by
15 declaring myself as a moose manager and then not being
16 able to satisfy your questions.

17 Q. Thank you very much. I believe, Mr.
18 Hogg, you were here throughout my cross-examination of
19 Dr. Euler in Panel 10?

20 A. Yes, sir.

21 Q. On page 62 of your witness statement,
22 and perhaps this is relevant to the clarification you
23 have just given us, the first full paragraph there it
24 says: From 1984 until I gather the -- I'm looking at
25 the first full paragraph

1 From 1984 until I gather the Moose
2 Management Guidelines were issued, you played a
3 coordinating role in the re-writing of those. So you
4 have a fairly intimate knowledge of them; is that
5 correct?

6 MR. HOGG: A. I have a good general
7 knowledge, yes.

8 Q. You've spent four and a half years
9 working on them?

10 A. No, not four and a half years working
11 on them, but some portion of that time I obviously
12 spent on the latest revision of them.

13 Q. Yes. Now, I'm not sure if your
14 clarification dealt with this or not. Have you had the
15 opportunity to apply the guidelines for a timber
16 management plan, the Moose Habitat Guidelines?

17 A. I have not had that personal measure.

18 Q. So it's fair to say that you have not
19 been faced with rationalizing moose habitat decisions
20 using the guidelines before company foresters or any
21 foresters for that matter?

22 A. I have not had direct involvement in
23 those kinds of matters. I have certainly had occasion
24 to discuss related issues with particularly our own
25 staff.

1 Q. Now, it's my understanding that this
2 panel is dealing with two closely inter-related
3 activities and I would like to try and deal with them
4 as separately as I can.

5 One of them is the site preparation
6 component and the other is the regeneration component.
7 Is that your understanding, that there's two components
8 to renewal, two sub-components to renewal?

9 A. There are those divisions in my own
10 mind, yes.

11 Q. Can we turn to page (ii) of the
12 guidelines, it's in the green summary section, that is
13 Exhibit 310.

14 A. Yes, I have it.

15 Q. Now, I believe the paragraphs 3, 4 and
16 5 deal with site preparation and renewal; is that
17 correct?

18 A. That's correct.

19 Q. And those are the only sections, the
20 only guidelines that pertain to site preparation and
21 renewal; is that correct?

22 A. Yes, that's correct.

23 Q. I believe I went through with Dr.
24 Euler those guidelines that were quantitative or had
25 specific quantitative measures in them and those that

1 did not, and you would agree with me that 3, 4 and 5
2 have no quantitative measures in them?

3 A. That's correct, there are no numbers
4 there other than the 3, 4 and 5.

5 Q. So if the Ministry was interested in,
6 if you will, developing a deviation policy for those
7 three sections, it would be very difficult?

8 A. If the Ministry was interested in
9 that--

10 Q. Yes.

11 A. --it would be difficult one way or
12 the other, yes.

13 Q. Now, paragraphs 3, 4 and 5 pertain
14 only to areas of concern, they do not pertain to normal
15 operating areas; is that correct?

16 A. They fall within the specific area of
17 concern guidelines.

18 Q. Well, that wasn't my question.

19 A. And they would be applied on specific
20 areas, that concern would be exercised in specific
21 areas.

22 Q. That still wasn't my question. Do
23 these apply only to areas of concern, or do they apply
24 more broadly?

25 A. It's my understanding that they apply

1 specifically to areas of concern. You identify an area
2 where this kind of concern would be exercised.

3 Q. So yes?

4 A. Yes.

5 Q. Now, I believe previous witnesses
6 have indicated that the rationale for silvicultural
7 prescriptions, including those that might have impacts
8 on non-timber values, will not be documented; is that
9 correct, no rationale will be given?

10 A. No rationale for silvicultural
11 decisions will be given?

12 Q. In normal operating areas, correct.

13 A. I understand that to be our evidence,
14 yes.

15 Q. Now, when these guidelines are
16 applied in areas of concern, will the rationale for
17 their application, will it be documented in terms of
18 the silvicultural prescription that is brought forward?

19 A. If a concern is brought forth about
20 an area and a prescription developed to meet that
21 concern, my understanding is that there will be some
22 explanation of what that concern is and the action you
23 are taking, and it will appear -- a lot of it will
24 appear in the supplementary documentation.

25 Q. So that I can go, for example, with

1 an area of concern that's identified in terms of moose
2 habitat, and if I was to look at the silvicultural
3 prescription in terms of site preparation or
4 regeneration, I would find there a rationale that would
5 basically respond to these three paragraphs; is that
6 correct?

7 A. You would see in Table 4.12 what the
8 value was and the prescription that was applied to it,
9 and you would go to the supplementary documentation for
10 a more expanded explanation of that particular concern.

11 Q. Right. So I would have -- let's just
12 take a specific example. The first one is No. 3. It
13 says that the three issues there; site preparation,
14 regeneration, and maintenance will be considered in the
15 context of the quantity and quality of the habitat.

16 So I would be able to go to the decision
17 that's made in terms of this particular area, in terms
18 of those three activities and find the rationale for
19 whatever is prescribed in relation to what's set out
20 there, the quality and quantity of the moose habitat?

21 A. I think you could expect to see some
22 mention that a prescription was as it is written for
23 certain reasons.

24 Now, this idea of the total context of
25 the quantity and quality of habitat surrounding the

1 harvest site, that may not be specifically mentioned.
2 It may be something more brief and obvious to the
3 concern about browse production, we are going to meet
4 that concern to the application of this prescription.

5 It may not say what is happening in the
6 total surrounding area, but it will tell you why they
7 are doing those certain things in that certain area in
8 terms of AOC.

9 Q. Does this not suggest a fairly clear
10 context for making that decision? I am looking at No.
11 3.

12 A. I believe it says that's why you
13 make -- why you assess these, how you should assess
14 these things. It doesn't say that these things get
15 documented in the supplementary documentation.

16 Q. So it may not be in the supplementary
17 documentation?

18 A. The idea of the context of the
19 quantity and quality of browse in a surrounding area
20 may not be acknowledged in the supplementary
21 documentation, but that is the basis on which the
22 prescription would have been written in the first
23 place.

24 Q. What information would a district
25 biologist use to establish the quality and quantity of

1 habitat in this context?

2 A. That's a rather subjective decision
3 based upon that field person's knowledge of that
4 particular area and having some feeling for how much
5 cover is in the area and the sort of browse production
6 that one might expect post-harvest. And so it is on
7 that fairly general basis that he would make that
8 decision or make that requirement.

9 Q. Would you agree with me that to apply
10 guideline No. 3 the biologist must undertake an
11 implicit habitat/supply analysis?

12 A. Here he is making some judgment about
13 the amount and the quality of habitat in the area, and
14 I'm not sure if that's exactly what you said or not.

15 Q. And the amount of habitat that's
16 required to meet some implicit moose objective?

17 A. He is making -- he is developing an
18 opinion about that and it has been -- his decision
19 about that would be expressed in the AOC prescription.

20 Q. Well, no question that a decision is
21 being expressed. But I am asking you, to get that
22 opinion, does he not have to follow through those steps
23 implicitly?

24 A. He makes a judgment about the amount
25 of habitat in the area.

1 Q. And the amount that's required to
2 meet his moose target?

3 A. That's correct.

4 Q. In evaluating the adequacy of the
5 quantity of the habitat, just as a quantity, would the
6 biologist be expected to relate this to current and
7 future moose populations?

8 A. Yes. Yes, he would have to obviously
9 take into consideration that the habitat you create
10 today is going to be supplying habitat for moose for a
11 number of years in the future. So you are anticipating
12 the future in your decision that you make today.

13 Q. So he basically has to look through a
14 full rotation or further when he is trying to juggle
15 all these factors; that's how long the trees will be
16 there; is that not right? What's today browse will be
17 tomorrow summer range--

18 A. I am not sure --

19 Q. --will be tomorrow winter
20 concentration areas?

21 A. I think it is kind of -- it's
22 variable. If the return cut is in the future, that's
23 not going to be at the end of a full rotation probably,
24 it may be 5, 10, perhaps 15 years down the road and the
25 biologist should be aware of that.

1 So it may not -- there is a time frame
2 attached to it, but it doesn't necessarily have to be a
3 full rotation.

4 Q. But the trees that we are growing
5 today are there for the whole rotation?

6 A. I guess I'm missing your point here.

7 Q. Well, it's the return cut issue, and
8 when we come back and do the return cut we have got
9 another element that we have to consider.

10 A. Yes.

11 Q. So let's just talk about site renewal
12 on a specific piece of land without a return cut. To
13 evaluate what we are going to do on that piece of land,
14 we have to look at that piece of land today, tomorrow
15 and over the whole rotation and perhaps subsequent
16 rotations?

17 Is that not the essence of what -- I
18 mean, the forester has been coming and telling us that
19 today's activities may affect us in many rotations into
20 the future.

21 A. I guess what I am getting confused by
22 is that we started out by talking about how it is
23 important to look at the larger context, and now we are
24 looking at just one specific piece of the landscape.

25 And I would agree that it is important

1 what happens on a piece of the landscape and you should
2 anticipate, and people do anticipate, what vegetation
3 is going to recur on that site over time. But, at the
4 same time as they are making that kind of judgment,
5 they are aware of what is happening in the
6 surroundings.

7 Q. So what you are saying is the problem
8 is even more complicated, I not only now have to worry
9 about that piece of land, I have to consider what is
10 happening on the whole land and what's going to happen
11 in terms of the evolution of those stands and how
12 that's going to change and how that's going to affect
13 moose populations.

14 Is that not what you have just told me?

15 A. People are being asked to make a
16 judgment about the quantity and quality of habitat in
17 an area over time.

18 Q. Can you explain to me what is meant
19 by the quality of moose habitat in this context of
20 guideline No. 3?

21 A. It is related, as I understand the
22 word, to the attractiveness of the area to moose. Some
23 areas are better in terms of moose production than
24 others, and that may be related to things like
25 palatability and digestibility and nutrient content of

1 plants.

2 It is the kind of judgment you make about
3 an area after having been -- after having worked in it
4 for a period of time and making some evaluation of what
5 is better habitat and what is not quite so good
6 habitat. And our people do make those judgments based
7 upon a number of things.

8 Q. For instance?

9 A. For instance, quite often mixed wood
10 in the midst of conifer is a clue, often a fairly
11 productive area for moose.

12 For instance, hunting returns would tell
13 you where moose are found more frequently on the
14 landscape than others, and that has a link to habitat.
15 Aerial inventory of moose, those are annual winter
16 inventories and where moose are being found, it will
17 tell you something else about the inherent habitat in
18 which they are found.

19 Q. Can you indicate to me where in the
20 guidelines direction is provided to biologists in terms
21 of things you have just told me or elsewhere to
22 integrate these sort of factors in arriving at those
23 conclusions?

24 A. Those kind of directions are not
25 explicitly said in here, but just the simple fact that

1 quality is mentioned in these guidelines requires that
2 they do have some kind of feeling about that.

3 And I guess it is such common practice
4 and knowledge on the part of field people that we
5 didn't feel it necessary to include it specifically in
6 here, but it does happen.

7 Q. So you are saying it is quite routine
8 then?

9 A. In my -- on the basis of my talking
10 to people across the province, I would say, yes, people
11 do have an understanding of what is better moose
12 habitat and what is worse.

13 Q. So it is not a complicated thing to
14 standardize that? If it's routine, people are doing it
15 across a broad area, it must be fairly easy to do; is
16 that correct?

17 A. I think it can be done in different
18 ways, and I don't say that everybody uses the same way.

19 Dr. Euler when he was here last talked
20 about other ways it has been done and he talked about a
21 document prepared by the people in the Red Lake
22 District and they use some different parameters in
23 terms of judging what is high, medium and lower quality
24 of moose habitat. So there are variable ways of doing
25 it.

1 Q. Are you referring to the -- I believe
2 the gentleman's name, Tadesko document?

3 A. Yes, I am.

4 THE CHAIRMAN: Mr. Hogg, or any members
5 of panel, is it your view as field people that
6 guidelines are of more use to you if they are
7 relatively concise and do not necessarily repeat
8 elements that would be normal to your field functions
9 in terms of what function you are performing, whether
10 you are a biologist or whether you are a forester or a
11 practitioner of some other discipline, or are
12 guidelines of more use in the field if they spell
13 everything out including those things that you would do
14 routinely?

15 MR. HOGG: Well, I guess my microphone is
16 on. I realize, Mr. Chairman, you directed your
17 question to field people and I will let them respond
18 for themselves, but my judgment is that the generalized
19 guideline allows our people out there to adapt to the
20 situation at hand.

21 In fact, it forces them to adapt to the
22 situation at hand; whereas, a rulebook, as we have
23 discussed in this room before, takes away from that on
24 occasion and leads to situations that can be
25 unreasonable in terms of when applied you end up with

1 the wrong result.

2 The real attempt on our part here is to
3 get the result we want and the guidelines are
4 important, but they aren't the be all and the end all.
5 The end all is that result, what the forest looks like
6 and how are the moose doing.

7 THE CHAIRMAN: I guess what I am asking
8 as well though, in a practical sense, not a theoretical
9 sense, if you had a rulebook which specified you would
10 carry out your activities in accordance with a hundred
11 rules set out, and that was just one rulebook with
12 respect to one particular type of activity, would you
13 in the course of your normal activities expect that you
14 would be in a position to follow all those rules?

15 First of all, to know them all; secondly,
16 to apply them in every instance?

17 MR. HOGG: I will let someone else on the
18 panel handle that one.

19 THE CHAIRMAN: Mr. Hynard, you seem ready
20 to leap around over there?

21 MR. HYNARD: With respect to guides and
22 guidelines, I prefer a generalized and concise
23 approach. I don't see any need to repeat the obvious.
24 Those guides are directed at managers not at the layman
25 and there is really no point in repeating the obvious.

1 I prefer a practical approach. I like to
2 see references in a guide so that when I do want
3 further information I know where to go looking for it,
4 and I believe I am already on the record as not
5 favouring the rulebook approach.

6 MR. HANNA: Mr. Chairman, just for
7 clarification, I wasn't leading to a rulebook approach,
8 but...

9 THE CHAIRMAN: No, I didn't mean to
10 suggest that you were.

11 MR. GREENWOOD: Just one or two other
12 things, Mr. Chairman. You mentioned the hundred rules.
13 I think that also in relation to what Mr. Hynard is
14 saying, if in fact you were to go with the second type
15 of guideline that you referred to, you would be
16 rewriting textbooks, textbooks of applied ecology, the
17 basis of which many of the field people make their
18 decisions on and, therefore, you would be in fact
19 creating volumes of rules, not just a hundred.

20 The other thing is that I would also
21 prefer the more generalized and, in fact I can remember
22 as a young forester not looking for specific answers
23 which I was trying to get for a site, but more
24 boundaries, the boundaries which I was concerned about
25 crossing, the boundaries that would maybe make my

1 decision unacceptable. Within those boundaries, I
2 still needed the flexibility to determine what was
3 correct for the site.

4 So, therefore, the generalized approach
5 which gave me boundaries was certainly more useful.

6 MR. HANNA: Q. Mr. Hogg, just an aside
7 here. The ONEPOP model we have talked about before,
8 that's a very routine calculation, in fact it comes out
9 of ecological textbooks, a textbook's model for all
10 intents and purposes, and it is used by biologists as
11 an assist to making decisions; in other words, their
12 quota decisions; is that not right?

13 It is not a rulebook, it's used as an
14 assist, as a way for them to make better and more
15 consistent and more, if you will, standard types of
16 decisions and facilitates those decisions; is that not
17 correct?

18 MR. HOGG: A. I never had the
19 opportunity to use the ONEPOP model I'm afraid. I'm
20 not sure I can make a useful comment here.

21 Q. But you are familiar with how it is
22 used in the Ministry?

23 A. Well, roughly I am, yes.

24 Q. And each district biologist submits
25 his estimate of the population for the year proceeding

1 based on his winter survey counts or his hunting
2 harvest, whatever, and asks them, I believe your head
3 office, to run a population projection for his unit
4 and, therefore, to develop an estimate of how many tags
5 he might have, and then he modifies that based upon his
6 local experience and professional judgment; is that not
7 correct?

8 A. That's my understanding of the
9 process as well, but I just go on to add that I'm not
10 sure to what extent that imposes a workload and what
11 the attitude of people who are being asked to do this
12 would be, but I believe it is used in the way you
13 described.

14 Q. So you are saying there is a lot of
15 resistance to it?

16 A. I can't comment on it. I'm not
17 involved with the modelling in any way, I don't require
18 people to send me information about it, I don't talk to
19 people about its application, I'm afraid.

20 Q. Would you agree with me that if it
21 were possible to develop a specific relationship, for
22 example, in terms of the quantity and quality of browse
23 required to support a specific number of moose, that
24 this would provide a much sounder basis upon which to
25 evaluate potential impacts of site preparation and

1 regeneration and would provide, if you will, that same
2 sort of support that ONEPOP provides in terms of
3 arriving at conclusions in terms of silvicultural
4 prescriptions?

5 A. Well, I think we have a sound basis
6 for our decisions now.

7 Q. But that --

8 A. But the process is more subjective
9 than the one that you are alluding to.

10 Q. But my question was: If you had that
11 tool, would that help you in any way or would you say
12 it would just be frivolous?

13 A. At this point I guess, given that the
14 important thing is to achieve our objectives and we
15 seem to be doing that, and if we use moose as the
16 example, the development of these additional tools
17 might be considered interesting and in some ways
18 useful, it may also be expensive and perhaps
19 unnecessary, given that what you really want is the
20 result and not the better, more complicated tools.

21 Q. What knowledge do you have of the
22 expense involved in developing that type of
23 relationship?

24 A. Well, I don't -- I just realize that
25 when things get done it takes people, which means

1 money; it takes time, which means more money; it takes
2 computer hardware, which means more money. There is a
3 cost to all of that, but I can't specifically cite you
4 examples of how much, for what purpose.

5 Q. Do you see any value in combining the
6 collective knowledge of the biologist within the
7 Ministry and experts like Mr. McNicol and other people
8 that you have identified as having specific expertise
9 in this area to establish these habitat relationships?

10 In other words, to take all that
11 knowledge together and try and assimilate it so that
12 everyone can share in that knowledge?

13 A. Obviously, communication amongst
14 specialists is a useful thing.

15 Q. And a way to do that is to develop
16 relationships so that people can say: Well, here, like
17 Plonski's yield tables, it is a way to distribute that
18 type of information?

19 A. You are speaking of it as a
20 communication tool; is that correct?

21 Q. No. Okay, how you make decisions,
22 how you go about doing your business.

23 A. I think the kind of constructive
24 synergistic discussion you are talking about can occur
25 and good results can come from that without getting

1 into these quantitative models. Those kinds of
2 discussions do occur amongst our staff.

3 Q. Can we turn back to page (ii) and
4 guideline No. 4 under the Areas of Concern?

5 A. Yes.

6 Q. Now, I believe (a), (b) and (c)
7 pertain to different types of site preparation; is that
8 correct?

9 A. That's correct.

10 Q. Now, would you say that the comments
11 that are made here in terms of (a), (b) and (c) could
12 apply equally to areas of concern and to normal
13 operating areas in terms of the issues that are
14 addressed?

15 A. Could the concerns about prescribed
16 burning, mechanical site preparation, and chemical site
17 preparation apply to all parts?

18 Q. Equally to normal operating areas as
19 as much as areas of concern?

20 A. It could. In this case, we are
21 specifically saying it applies to areas of concern.

22 Q. Oh, I appreciate that, but I am
23 simply asking -- for example, let's look at number (a),
24 it says:

25 "Prescribed burning is the preferred

1 site preparation method if you leave
2 these protective shelter components."

3 That would apply equally whether you are
4 in an area of concern or whether you are in a normal
5 operating area; is that correct?

6 A. It is the significance of the concern
7 that makes us declare it an area of concern to start
8 with. So we are making some judgment about a certain
9 action being of more concern in this location instead
10 of that location and so, on that basis of relative
11 concern, we declare an area of concern in the Ministry
12 jargon.

13 Q. Okay. I understand how areas of
14 concern are brought about. What I am not clear about
15 is: Are you saying then that these comments don't
16 apply to normal operating areas?

17 I realize they don't within the context
18 of the guidelines, but you wouldn't be concerned, for
19 example, with prescribed burns in normal operating
20 areas whether or not they left protective shelter
21 components. It wouldn't make any difference to you?

22 A. What I am saying is that we may have
23 a concern about all of these things but, in actual
24 fact, in reality, we don't in normal operating areas.

25 If we do have a specific concern, it's

1 identified as such and it's treated in the area of
2 concern planning process.

3 So prescribed burning can have an effect
4 through to a normal operating area, no question, but if
5 our concern is not great about the effects of that
6 prescribed burn, then there would no area of concern
7 identified in that area.

8 If we do happen to have a concern, we
9 want to protect and identify shelter patches as an
10 example, then that piece of ground is identified as an
11 area of concern.

12 MR. HANNA: Mr. Chairman, it's going to
13 be an intensive day. I'm going to try and go as
14 quickly as I can. It may be -- I am going to ask if we
15 could take a break, but can we try and keep them as
16 short as possible.

17 I am going to finish at 3:30, I have
18 indicated to the Board that I will do that, but I have
19 a lot of material to cover. If you wish, we can have a
20 break now.

21 THE CHAIRMAN: Okay. 15 minutes.

22 ---Recess taken at 10:00 a.m.

23 ---On resuming at 10:25 a.m.

24 THE CHAIRMAN: Thank you. Be seated,
25 please.

1 MR. HANNA: Q. Mr. Hogg, I would like to
2 move now to the matter of renewal in normal operating
3 areas and the relationship of that to wildlife, if we
4 could. What guidance is available to biologists to
5 deal with matters such as site preparation and
6 regeneration in normal operating areas?

7 MR. HOGG: A. There's no specific
8 guidance as such in that area. As with the topic of
9 quality --

10 Q. I'm sorry?

11 A. As we discussed in our previous chat
12 here about quality, there is no specific judgment --
13 excuse me, direction given with respect to that,
14 however, we do expect our staff to have some
15 appreciation for what is going to occur in those normal
16 operating areas in terms of regeneration.

17 And during my oral evidence I stressed I
18 think what we expect to happen to sites after harvest,
19 the kinds of things you typically expect to recur on a
20 site and the first thing you expect is, in most cases,
21 natural regeneration to deciduous species, and if you
22 are attempting to regenerate to conifer, then that will
23 be followed by conifer.

24 So given that natural -- excuse me, that
25 plant succession that occurs on that site, our people

1 are aware of it. So that perhaps is the best way to
2 address that.

3 Q. Does stand conversion from hardwood
4 or mixed wood stands to softwood stands have a
5 potential negative impact on moose when practised on an
6 extensive basis?

7 A. This is what I would phrase -- call a
8 hypothetical and at that level you have to agree -- at
9 least I have to agree I think that such is potentially
10 possible.

11 THE CHAIRMAN: Potentially impossible?

12 MR. HOGG: Potentially possible. It
13 could happen in theory. And the concern would be if
14 browse is somehow limited as the forest returns to
15 conifer, if there is really -- if somehow we are
16 terribly effective at removing the browse component,
17 reducing the browse component, then there might be an
18 effect on moose production.

19 And I guess the other thing here is that
20 in thinking about that as a hypothetical you have to
21 think about scale, and I think that if that scenario
22 was possible it is most possible on a small area, on a
23 stand or perhaps a small area basis. And, in my
24 opinion, it becomes less likely as the area -- to come
25 to pass as the area gets larger.

1 MR. HANNA: Q. In terms of other
2 wildlife species, would you expect the highest
3 diversity and density of wildlife in pure conifer,
4 mixed wood, or softwood stands -- I'm sorry, hardwood
5 stands?

6 MR. HOGG: A. I think literature
7 indicates fairly clearly that in terms of numbers of
8 species mixed wood stands are superior in that regard.

9 Q. Would you agree with me that
10 regeneration decisions have extremely long-term
11 consequences in terms of wildlife populations?

12 A. They can have.

13 Q. Can you give me an example of where
14 they don't have?

15 A. I guess I am thinking of the scenario
16 where - and I guess I'd think of it with benchmark here
17 too - if the benchmark is what the existing forest is,
18 on many sites we are going to have something similar
19 come back. So in that regard there wouldn't be much
20 significance to wildlife.

21 What the concern would be, if there was
22 somehow a change in that landscape. In the scenario I
23 just gave you, there wouldn't be much change between a
24 point prior to harvest and then the point -- various
25 points afterwards.

1 Q. Is not the direction of artificial
2 regeneration normally towards providing pure softwood
3 stands, or perhaps I can ask Mr. Kennedy.

4 Mr. Kennedy, can you give me an example
5 where you have reforested to a mixed wood stand, you
6 have planted poplar and spruce?

7 MR. KENNEDY: A. No, I can't think of an
8 example where we have planted poplar and spruce.

9 Q. Thank you.

10 MR. HYNARD: A. But I think the question
11 actually was, can you think of examples where we have
12 regenerated a mixed wood stand. That was the question;
13 was it not?

14 Q. No, my question was with respect to
15 artificial regeneration, where the Ministry has
16 artificially regenerated to a mixed wood stand; in
17 other words planted both spruce and poplar.

18 Do you have an example, Mr. Hynard?

19 A. Let's be very clear here, we are
20 talking hypothetical.

21 Q. Yes, we are.

22 A. What we are really concerned about
23 here is what kind of stand are we producing. And I
24 think the evidence shows, if you turn especially to
25 SOARS 1 and 2, that the result of our efforts in

1 planting conifer -- conifer are in fact mixed wood
2 stands because the hardwood component regenerates
3 naturally.

4 Q. Is there not -- is that not a basic,
5 how shall we say, issue that the forester is always
6 trying to deal with; is that not why we have herbicide
7 spraying in terms of site preparation and maintenance,
8 et cetera, et cetera, et cetera, to get has high a
9 softwood component in the stands as possible?

10 A. Well, the fact that hardwoods
11 regenerate naturally so prolifically is in fact the
12 reason that we undertake activities such as site
13 preparation and tending in order to restore somewhat
14 better competitive balance to the conifers that we are
15 introducing onto the site.

16 And in nature, of course, hot, hot wild
17 fires are what give the conifer that competitive
18 advantage that got them there in the first place.

19 Now, the fact that we conduct those
20 activities in order to restore that competitive balance
21 back to conifer, does not mean that we eliminate the
22 hardwood component from the stand, not at all, and I
23 think it's very important here that we be site-specific
24 because the degree of hardwood return, the degree of
25 hardwood that was there in the original forest is so

1 site-specific it depends entirely on the site
2 conditions that are there.

3 Certainly mustn't leave the impression
4 that by virtue of the fact that we don't plant poplar
5 with our spruce -- I don't want to leave the impression
6 that there is not a considerable hardwood component in
7 that stand.

8 Q. Are you suggesting --

9 A. In fact even perhaps stronger than in
10 the original stand.

11 Q. Are you suggesting then the Ministry
12 encourages hardwoods in their softwood stands?

13 A. No. I'm saying that's an inevitable
14 result on a broad range of site types.

15 Q. But the forester attempts to minimize
16 that to the greatest extent possible; is that not
17 correct?

18 A. The forester attempts to ensure the
19 survival and success of the trees that he is
20 introducing there.

21 Q. The softwoods.

22 A. The softwoods. That does not require
23 the elimination of hardwoods, nor is the elimination of
24 hardwoods the result from his activities.

25 Q. Thank you, Mr. Hynard.

1 Mr. Hogg, can we turn to Question No. 2
2 of the Ontario Federation of Anglers & Hunters
3 interrogatory. I would like to look at the answer --
4 well, I would like you to read the question and then I
5 will get you to read the answer which is (b).

6 I believe response (b) was in response to
7 the third paragraph in the question. Could you read
8 the third paragraph in the question first, please?

9 MR. HOGG: A. I wonder if I might just
10 read the entire thing. I haven't had an opportunity to
11 see this.

12 Q. Oh certainly. Certainly, go ahead.

13 MR. FREIDIN: Question 2 we are looking
14 at?

15 DR. QUINNEY: Yes.

16 MR. FREIDIN: OFAH.

17 MR. HANNA: Yes.

18 MR. HOGG: Yes, I have read it now.

19 MR. HANNA: Q. Could you read the third
20 paragraph in the question, first, please?

21 A. "For each of the past five years
22 (1984-88) please provide in percentage
23 terms how much of the land subjected to
24 timber extraction in the area of the
25 undertaking now comprises this type of

1 species changeover?"

2 Q. And that species changeover is going
3 from soft -- or hardwood and mixed woods stands to
4 conifers; is that correct, the stand conversions. Is
5 that not what this question is about?

6 A. I believe the second paragraph talks
7 about the principal species being replaced by
8 replanting a site with different more marketable or
9 convenient variety. So that would indicate a shift--

10 Q. A stand conversion?

11 A. --one way or the other.

12 Q. A stand conversion. And those words
13 are taken out of - I don't think we need to refer to
14 the actual witness statement - but those words are
15 taken directly out of that witness statement?

16 A. Yes, I can't debate a definition of
17 standing conversion. I will accept that.

18 Q. Now, can we turn to the next page and
19 could you read (b) for me, please?

20 A. "In order to provide this kind of
21 information for the area of the
22 undertaking, one would be required to
23 collect information from individual
24 silvicultural project files and maps from
25 each management unit in the area of the

1 undertaking and compare them to the
2 previous years' cut-over mapping. This
3 would entail the examination of many
4 thousands of documents involving months
5 of work."

6 Q. Sounds like a big job. Is that not
7 what is being said here?

8 A. I did not prepare the answer to this
9 question obviously, but it does sound like a big job.

10 Q. Should I conclude from this that the
11 Ministry, and certainly the Ministry's biologists, have
12 no information as to the long-term consequences of
13 stand conversions in terms of the structure of the
14 moose habitat in this province.

15 In other words, because it is all diffuse
16 and whatever, there isn't a nice centralized, how
17 should I say, assessment of what is happening in terms
18 of moose habitat. Isn't that essentially what this
19 question is saying, it's all spread out through a whole
20 pile of file information?

21 A. I think this question answers exactly
22 that, that it is a big province and things happen in
23 different ways across the length and breadth of it.

24 And people at the local level with their
25 information, that's where the information is, at the

1 local level, but what the efforts are in terms of these
2 kind of conversions that you have called them.

3 THE CHAIRMAN: Mr. Kennedy, is this not
4 one of the types of things that we will be part of the
5 Ministry's development of the computerized system for
6 assimilating information at the local level?

7 MR. KENNEDY: Yes, it is one of the kinds
8 of information that will be forming part of the
9 silvicultural information system, where there will be a
10 recording of the proposal to regenerate areas and a
11 listing of the working groups prior to treatments.

12 THE CHAIRMAN: And that, as the Board
13 understands it, is underway now?

14 MR. KENNEDY: Yes it is, it is being
15 developed at the moment.

16 As well as, I might point out, that the
17 distribution of the working groups in a management unit
18 is one of the key pieces of background information
19 that's prepared every five years at the beginning of
20 the timber management plan, and that information is
21 reviewed by the planning team to see the distribution
22 of the various tree species on that unit, which is
23 taken into account in them meeting objectives.

24 MR. HANNA: Q. I guess where I am coming
25 from, Mr. Hogg - and perhaps this is a question that

1 will be dealt with in the near future, once we get that
2 information on hand, I think that is something we are
3 all looking forward to having that kind of computerized
4 system - but, at the present time, if we were to, for
5 example, evaluate -- attempt to evaluate the issue of
6 stand conversions on, say, our provincial moose policy,
7 our moose objectives, those magic things that we use to
8 evaluate our achievements, it would not be possible at
9 the present time?

10 MR. HOGG: A. You couldn't make a direct
11 connection between the annual moose harvest or
12 estimated population.

13 Q. Or projections of population?

14 A. Or projections of populations, but
15 that in fact is the objective.

16 Q. But that will be possible in the
17 future once this information is available?

18 A. I guess I have to make something
19 clear here. You are talking about the connection
20 between stand conversions and moose populations; is
21 that the issue?

22 Q. Well, I presume there's a connection
23 between the habitat and the population; is that not
24 correct?

25 A. Yes, exactly.

1 Q. And stand conversions, change of the
2 habitat; is that not correct?

3 A. Stand conversion efforts could
4 potentially.

5 Q. Right. And so that potentially has
6 an impact on the population?

7 A. Yes.

8 THE CHAIRMAN: But in any event, Mr.
9 Hogg, it's not, or is it in your view, a negative
10 effect given the fact that you are meeting your moose
11 objectives?

12 MR. HOGG: That's correct, Mr. Chairman.
13 At this point we do not detect it as a problem, given
14 we are meeting our objectives.

15 MR. HANNA: Thank you, Mr. Chairman.

16 MR. HYNARD: Mr. Chairman, it's probably
17 a good idea to talk for a moment about stand conversion
18 and what it really means. I am not sure we --

19 THE CHAIRMAN: Well --

20 MR. HANNA: Mr. Chairman, we have limited
21 time here. I think really...

22 THE CHAIRMAN: I think we better let Mr.
23 Hanna conduct his examination on the questions that
24 he's interested in, since he does have limited time.

25 MR. HANNA: Q. Mr. Hogg, can we turn to

1 page 30 of the Moose Habitat Guidelines, please, the
2 background component to that, Exhibit 310.

3 MR. HOGG: A. Yes, I have it.

4 Q. I believe this is a paper by Mr.
5 McNicol and Mr. Timmerman of the same McNicol and
6 Timmerman who were involved with the Racey paper that I
7 discussed with Dr. Euler, Exhibit 518, that provided a
8 critical evaluation of the application of the
9 guidelines.

10 This is the same authors; is that not
11 right?

12 A. Yes, they I believe dealt with that
13 paper -- they were authors of that paper, yes.

14 Q. And they are authors of this paper?

15 A. Yes.

16 Q. I believe starting in the right-hand
17 column under silvicultural treatments, continuing on to
18 the end of page 31 deals with the very essence of your
19 evidence; is that not correct?

20 A. I haven't read this for some
21 considerable length of time, but it certainly does
22 appear to deal with as you say.

23 Q. Certainly the headings look fairly
24 familiar?

25 A. They do.

1 THE CHAIRMAN: And we'll leave out
2 herbicides for now.

3 MR. HANNA: Yes, Mr. Chairman. Yes.

4 Q. I would like to deal with the section
5 on scarification. Can you read the first sentence on
6 the second paragraph under scarification, please?

7 MR. HOGG: A. First paragraph?

8 Q. I'm sorry, first sentence. Excuse
9 me, in the first paragraph -- the second paragraph.

10 A. Starting: "Scarification followed
11 by...?"

12 Q. "Scarification followed by... "

13 A. "Scarification followed by planting
14 of coniferous seedling stock is an
15 attempt by forest managers to truncate
16 the normal successional sequence
17 following disturbance on mixed wood
18 sites."

19 Q. So does this suggest to you that the
20 future forests could be significantly different than
21 the historical forests, particularly for mixed wood
22 sites?

23 A. That does suggest that thought, but
24 as Mr. Hynard talked about, there may be something that
25 makes that appear less of a problem in future.

1 Q. I think it's worthwhile to read the
2 rest of that paragraph into the record, if we could.
3 Could you continue on at: "It is..."

4 A. "It is the early stage of succession
5 following fire (3 to 20 years) which has
6 historically supported growth in moose
7 populations (Geist 1974, Irwin 1975).
8 Logged mixed wood stands have a potential
9 for supporting increased populations of
10 moose for a similar period, however,
11 scarification and planting tend to
12 shorten this early successional stage
13 and, in turn, may reduce the period
14 during which these areas can support high
15 moose densities (Telford 1976)."

16 Q. So it seems fair to say then that
17 decisions in terms of site preparation can have a
18 significant effect on moose production?

19 A. That is certainly the opinion of
20 these authors apparently, yes.

21 Q. And would you agree with me that
22 these comments -- would you agree with me that these
23 comments apply not only to areas of the undertaking,
24 but also to normal operating areas?

25 A. I believe these comments are general

1 and would apply to normal operating areas, yes.

2 Q. Would you agree with me that it's
3 likely these comments apply even more to normal
4 operating areas than areas of concern, given the
5 relative proportion of the two within the area of the
6 undertaking?

7 A. I am not sure I follow.

8 Q. Well, perhaps I will ask it...

9 THE CHAIRMAN: Well, there are just more
10 area--

11 MR. HANNA: Exactly, Mr. Chairman.

12 THE CHAIRMAN: -of general application
13 than areas of concern within the area of the
14 undertaking. Is that not correct?

15 MR. HOGG: That's correct.

16 MR. HANNA: Q. And there's a vast
17 greater area in terms of normal operating, particularly
18 in the boreal forest?

19 MR. HOGG: A. The areas of concern in
20 terms of dimensions are smaller than the total area of
21 the undertaking.

22 THE CHAIRMAN: I think you got your
23 answer.

24 MR. HANNA: Q. Okay. Can we go now to
25 the next paragraph there, Mr. Hogg, and I would like

1 you to read the remainder of that next paragraph
2 starting with: "results... "

3 Do you see where it starts: "Results from
4 studies in Alberta..."?

5 MR. HOGG: A. Yes, I do.

6 Q. Could you, please, read that for me?

7 A. "Results from studies in Alberta
8 (Stelfox, et al, 1976) and Ontario
9 (McNicol and Gilbert, 1980) indicated
10 that in scarified areas the production of
11 deciduous browse species is reduced and
12 much delayed. Not only is the browse
13 component on scarified mixed wood sites
14 altered, but conifer cover is affected as
15 well. The coniferous species which are
16 planted will eventually produce both
17 early and late winter cover for moose,
18 however, artificial regeneration does not
19 duplicate the immediate habitat
20 advantages of interspersed advanced
21 coniferous regeneration which would have
22 survived if scarification hadn't taken
23 place."

24 Q. Now, one minor point. First of all,
25 I didn't see in your witness statement any reference to

1 these articles that are referenced here; is that
2 correct?

3 A. The three here; Telford '76, Stelfox
4 et al?

5 Q. Yes.

6 A. Certainly they seem somewhat
7 familiar. Could you wait just a second.

8 Q. Sure.

9 A. I have referenced two of those. I
10 have referenced the Stelfox et al and the Telford 1976.

11 Q. But the McNicol and Gilbert one that
12 applies to Ontario you have not referenced?

13 A. I did not reference that.

14 Q. Now, that paragraph that you just
15 read there, does this not reinforce the fact that
16 artificial regeneration and scarification can have
17 significant negative impact on moose production?

18 A. Yes, the opinion of these authors
19 would tend to imply that. That paragraph does tend to
20 apply that there would be an effect on moose
21 production -- could be an effect on moose production.

22 MR. HANNA: Mr. Chairman, I am just going
23 to go through the last little bit, just this section on
24 scarification, I am not going to deal with any of the
25 others. I realize you don't want to go through this

1 whole thing and read it into the record. I am just
2 going to deal with scarification itself, if we could

3 Q. Okay. I think --

4 MR. HANNA: I realize this is fairly long
5 and tedious to read into the record, but I think it's
6 important to have it on the record.

7 If you think it's better, Mr. Chairman, I
8 can simply ask him a question about the paragraph. I
9 am really at your leisure what you feel is best here.

10 THE CHAIRMAN: Well, you must realize
11 this is part of the record.

12 MR. HANNA: Fine.

13 THE CHAIRMAN: It's been admitted as an
14 exhibit, it's before the Board, all you are doing is
15 putting it in the transcript as opposed to the record.

16 MR. HANNA: Q. Okay. I would like you
17 to read carefully that next paragraph, Mr. Hogg, and
18 then I am going to ask you a question about it.

19 MR. HOGG: A. This is the paragraph
20 beginning: "In the past mixed wood..."?

21 Q. Yes, yes.

22 A. Yes, I read it.

23 Q. Now, does this suggest to you that
24 the most productive moose range is also going to be
25 that that is going to receive the most intensive forest

1 management in the future, according to these authors?

2 A. This paragraph suggests that mixed
3 wood sites are the object of more attention in future.

4 Q. Does it not say: Provide incentives
5 for the companies to increase conifer stocking on these
6 sites?

7 A. Well, yes, that is what this one
8 sentence says:

9 "Forest management agreements between
10 private pulp and paper companies and
11 the government provide incentives for
12 companies to increase conifer stocking on
13 cut-over sites."

14 Q. But these are the sites where there's
15 often the highest return in terms of intensive forest
16 management; is that not correct?

17 A. That's my understanding, these rich
18 sites not only grow good wildlife habitat, they very
19 often grow very good crop trees.

20 Q. So we have got a direct, how shall I
21 say, conflict here; the highest production moose
22 habitat is also the highest production forest habitat;
23 is that not correct?

24 A. It is a potential conflict.

25 THE CHAIRMAN: Mr. Hogg, is it a conflict

1 if you set your moose targets, your best information
2 indicates you will meet the moose targets and while at
3 the same time, as a result of scarification, you may be
4 reducing moose habitat.

5 Where is the conflict if in fact the
6 projection is you will meet your moose targets?

7 MR. HOGG: It's only a potential conflict
8 at some point in the future if -- either all habitat --

9 THE CHAIRMAN: Doesn't it become a
10 conflict only if you alter the moose targets--

11 MR. HOGG: That's correct, that's
12 correct.

13 THE CHAIRMAN: --so that there is a
14 negative impact from the reduction of moose habitat?

15 MR. HOGG: That's correct, yes.

16 MR. HANNA: Q. Mr. Hogg, moose
17 population objectives go to what year?

18 MR. HOGG: A. I believe the year 2000.

19 Q. And on a mixed wood site, Mr.
20 Kennedy, what would be the expected rotation period;
21 approximately? I don't -- 60, 70, 80 years for
22 conifer, for a softwood stand?

23 MR. KENNEDY: A. Softwood stand--

24 Q. Yes.

25 A. --or a mixed wood stand now?

1 Q. No, no, I'm talking about here -- I
2 think the essence of what we are talking about here is
3 converting mixed wood stands to softwood stands, so I
4 am asking what would be the rotation period on that
5 softwood stand on what previously was a mixed wood
6 stand?

7 A. I'd say it would be in the
8 neighbourhood of 60 to a hundred years.

9 Q. Thank you. So, Mr. Hogg, would you
10 agree with me that some of the impacts in terms of our
11 moose objectives may be not felt today and may not be
12 evident in our objectives out to the year 2006 and may
13 carry over for whatever our moose objectives might be
14 in the year 2089?

15 MR. HOGG: A. I would agree with that
16 and that is why we are implementing Moose Habitat
17 Guidelines today.

18 Q. No, no, but I am talking about
19 objectives now. I am talking about, we have objectives
20 at the year 2006 or whatever, 2001, I'm not sure of the
21 exact date, but the decisions we are making based on
22 those objectives we are going to have to live with not
23 just to 2006 but to 2089 potentially.

24 In other words, we are potentially
25 constraining our objectives at some point in the

1 future?

2 A. Are you talking about an
3 establishment of new objectives?

4 Q. Exactly.

5 A. That I suppose is possible, but we
6 are working with the objectives we have today and at
7 such time as the objectives change and they may change
8 in advance prior to the year 2000, then we work towards
9 that particular objective.

10 THE CHAIRMAN: But may not the objective
11 on the other side also change; in other words, the
12 objective in the year 2001 or 2006, whatever year you
13 are using, for wood production, for example, could go
14 down or change so that it affects the other side of the
15 equation. I mean isn't that a possibility?

16 MR. HOGG: Indeed. Yes, that could
17 happen as well.

18 MR. HANNA: Q. Mr. Kennedy, are you
19 aware of projections in terms of wood production in
20 this province and our total production target being
21 changed, we are in the process of currently modifying
22 that target?

23 MR. KENNEDY: A. I am aware that the
24 timber production policy is under review.

25 Q. Which includes the wood target?

1 A. Yes, it does.

2 Q. Are you aware that projections as
3 much as two to three per cent a year are currently
4 being contemplated out to the year 2030 in terms of
5 wood production, increased production?

6 MS. CRONK: Sorry, Mr. Chairman. Before
7 the question is answered, I know that Mr. Hanna isn't
8 perhaps as familiar with all the standard rules applied
9 to counsel, but I just rise because the normal rule
10 would be that he would have to be prepared to prove
11 that statement.

12 THE CHAIRMAN: All right.

13 MR. HANNA: I am prepared to prove it.

14 THE CHAIRMAN: Well, I know, but you are
15 playing a dual role here, Mr. Hanna, in the sense that
16 you are in a sense acting as counsel but, by the same
17 token, you can't be in a position of giving evidence
18 because at some point if you are going to give the
19 evidence as the expert, you will be cross-examined as
20 well.

21 MR. HANNA: I understand, Mr. Chairman.
22 I wasn't planning on providing that evidence personally
23 as an expert, and I can tell you I may not appear as an
24 expert before this hearing. There is a very strong
25 likelihood I may not.

1 And my intent is not to come here to as
2 an expert to act on behalf of the Federation, and I am
3 quite prepared to support that document. I am asking
4 Mr. Kennedy if he knows about it but, if you will, I am
5 certainly prepared to produce a document that supports
6 that statement.

7 MS. CRONK: Well, that's fine. I have
8 the undertaking. That's fine, Mr. Chairman, thank you.

9 THE CHAIRMAN: Okay.

10 MR. HANNA: I am asking Mr. Kennedy if
11 he's aware of that, but I am certainly prepared to
12 produce that.

13 THE CHAIRMAN: Okay. On the basis that
14 you will undertake to produce the document, you can ask
15 Mr. Kennedy if he is aware of the document.

16 MR. HANNA: Q. Are you aware of the
17 document, Mr. Kennedy?

18 MR. KENNEDY: A. No, I am not.

19 Q. Are you area of projections like
20 that?

21 A. I his hesitate that I realize that in
22 Panel 4 there was some discussion on projected
23 industrial demand if that's what you are referring to.

24 MR. HANNA: Fine. I'll produce the
25 document, Mr. Chairman.

1 Q. Now, regarding the matter of stand
2 conversion, Mr. Hogg, I know of nowhere, at least that
3 I'm aware of, in your evidence that you have dealt with
4 the negative impacts, these types of negative impacts
5 that are described here in terms of conversions of
6 mixed wood stands to softwood stands.

7 Can you direct me where in your evidence
8 you deal with that?

9 MR. HOGG: A. Just a moment, please.

10 I would suggest that the issue, if in is
11 an issue, a potential issue is alluded to, most
12 directly anyway, at page 756 and there is a sentence
13 about four lines down that starts:

14 "More widespread and longer term changes
15 in the wildlife community may result if
16 the regenerated forest is markedly
17 different over a broad area from the
18 forest that preceded harvest."

19 And that is a summation of all that went
20 before really in the sense that I've acknowledged that
21 plant community does change through time, it does that
22 in the natural regeneration process and it does that
23 during artificial regeneration process.

24 And if the forest is markedly different,
25 pre-harvest compared -- comparing the pre-harvest with

1 the regenerated forest, then you are going to have
2 probably -- possibly a different wildlife community.

3 Q. But you make no reference there to
4 mixed wood stands and this whole issue of the, how
5 should I say, the conflict that's potentially looming
6 on the horizon in terms of the intensive use of these
7 highly productive sites?

8 A. Well, I think I have, in that very
9 perhaps short form. I haven't put as many words in
10 here as Mr. Timmerman and McNicol did.

11 Q. Would these mixed wood stands that
12 are referred to by those authors -- by and large would
13 they be areas of concern?

14 A. Not necessarily.

15 Q. Would you think most of them would
16 be, or very few of them?

17 A. I would think at this juncture
18 relatively few of them because it is a natural
19 propensity for these sites to return to mixed wood in
20 most cases, and some of the foresters might speak
21 further to that if you wished.

22 Q. Can we --

23 MR. KENNEDY: A. If I could just add,
24 Mr. Hanna, I think it would depend on the values that
25 are present in the particular stands. Mixed wood

1 stands may end up as having other values other than the
2 ones specifically related to moose and, consequently,
3 may become an area of concern.

4 Q. No, I appreciate that, Mr. Kennedy.
5 I appreciate your clarification. I think my question
6 was more what proportion of them are likely to be; in
7 other words, where we see a mixed wood stand, we say
8 that is an area of concern, it's a high production site
9 for moose, we know that, therefore, we will make it an
10 area of concern.

11 Would that generally -- would that be the
12 general rule or would -- if I went and did an analysis
13 of mixed wood sites in the province in terms of areas
14 of concern, would I expect most of them to be areas of
15 concern or a small proportion to be areas of concern?

16 A. It has already been stated that the
17 relative abundance of areas of concern is small in
18 comparison to the area of the undertaking.

19 Q. And if I asked that question
20 specifically with respect to mixed wood stands, would I
21 have the same answer? That's all I am asking.

22 A. It would depend upon the portion of
23 the mixed wood stands within the management unit and,
24 again, back to the values that were within that
25 particular management unit. I don't think you can

1 generalize beyond that.

2 Q. Mr. Hogg, I would like to deal with
3 one last paragraph here and then we will be finished
4 with this.

5 The last paragraph there deals with a
6 special kind of scarification called tunnelling. Have
7 you dealt with this in your evidence anywhere?

8 MR. HOGG: A. No, I have not dealt with
9 tunnelling per se.

10 Q. Has this been dealt with by any of
11 the panel?

12 MR. KENNEDY: A. Yes. I believe I made
13 reference to coridoring which is another term that is
14 used to describe a form of site preparation which is
15 usually blading and which would be occurring in stands
16 which may have heavy residuals with the follow up
17 treatment commonly being planting.

18 Q. Mr. Hogg, you have not however talked
19 about this specific technique which may be a way to
20 mitigate, I believe according to these authors, some of
21 the negative type of effects that might occur in mixed
22 wood stands on moose habitat; you have not addressed
23 that?

24 MR. HOGG: A. I have not addressed that
25 in this way. I have talked about shear blading.

1 Q. Mr. Hogg, in your oral evidence you
2 discussed with Mr. Freidin the matter of mechanical
3 site preparation on wildlife, and I would just like to
4 read that to you.

5 MR. HANNA: I don't have the volume, I
6 just got this from the transcribers, Mr. Chairman. I
7 can give the page reference, but I don't have the
8 volume. The page reference I am going to read from is
9 17196 to 17197.

10 Q. You may not have it, Mr. Hogg, so I
11 will just read the question and your answer.

12 MR. HOGG: A. Okay.

13 MR. HANNA: Seeing you don't have it, Mr.
14 Chairman.

15 THE CHAIRMAN: Very well.

16 MS. BLASTORAH: What day was that?

17 MR. HANNA: I think it was Monday.

18 Q. Mr. Freidin asked you the question:
19 "Is the mechanical site preparation that
20 actually gets employed influenced in any
21 way by wildlife management concerns?"

22 And your answer was:

23 "There is no alteration of mechanical
24 site preparation practices to meet
25 wildlife concerns at this point. None is

1 thought necessary at the provincial level
2 and none is routinely occurring."

3 Then you continue on to talk about viable
4 populations, and the conclusion is:

5 "And although I indicated that there was
6 no alteration of mechanical site
7 preparation at the provincial level, at
8 the local level there may be some action
9 as a logical follow through on a harvest
10 decision, for example, the maintenance of
11 a shelter patch or wildlife corridor left
12 during harvest will obviously be
13 protected during forest renewal
14 activities."

15 Do you recall--

16 MR. HOGG: A. Yes, I do.

17 Q. --that response?

18 A. Yes, I recall that.

19 Q. Now, I would like to get your
20 rationale for saying that no alteration is necessary at
21 this point, no alteration to mechanical site
22 preparation. What were you thinking? Why did you say
23 it was not necessary?

24 A. I believe -- I am not sure it is that
25 point or perhaps another point in my oral evidence I

1 talked about the achievement of objectives and at this
2 point I am not able to detect in effect at that
3 particular level above the effects of site preparation,
4 mechanical site preparation, but I also I think talked
5 about at that point or again some other point about
6 viability of populations and the need for monitoring--

7 Q. You did that.

8 A. --to help assess some of these
9 things.

10 Q. I wasn't try to skip that in your
11 answer or mislead what you said. You did make that
12 very clear and you did talk about viable populations
13 and whatever.

14 So what you are saying is, there is
15 nothing to detect right now in your monitoring to make
16 sure nothing happens?

17 A. I anticipate -- in looking at the
18 effects to the eye, at any rate, of what mechanical
19 site preparation does in terms of altering downed woody
20 material particularly, and the expectation is that
21 there is not going to be a population level effect of
22 that kind of alteration of habitat in part because the
23 sites are different.

24 Where this one is applied, the sites are
25 different, the amount of woody material to start with

1 is different, the equipment that's used is different,
2 So although there may well be site-specific effects -
3 and I gave the example of Mr. Martel there in his
4 research in the Manitouwadge area - and the shift from
5 red-backed voles prior to scarification to deer mice
6 afterwards, those kind of site-specific effects can be
7 well documented -- have been documented.

8 But that kind of site-specific
9 information can't be extrapolated to the whole area of
10 the undertaking because of these variabilities I have
11 talked about.

12 Q. Now, as I say, the finest level that
13 you would be able to detect these problems, would it be
14 the wildlife management unit level?

15 A. In terms of present day and past
16 monitoring, the changes and the level at which we
17 measure the achievement of our objectives are at the
18 wildlife management unit level for things like moose
19 and an even wider area for things that are not
20 quantified as to our objectives.

21 Q. So if I was trying to deal with this
22 site-specific sort of thing, I would look at the
23 wildlife management unit objectives and achievement of
24 those as a basis to, how should I say, come to some
25 conclusion?

1 A. In terms of moose, if we are talking
2 moose?

3 Q. Yes, moose.

4 A. Yes, moose.

5 Q. Now, we have been talking and I think
6 you have made regular reference to it here, the matter
7 of how we achieve, identify and -- excuse me, how we
8 measure the significance of impacts, and I believe on
9 page 82, paragraph 47 of your witness statement you
10 reiterate that. I just want to make sure I am
11 interpreting that properly.

12 A. Again, your question? I think --

13 Q. It wasn't a very well-formed
14 question. My reading of paragraph 47 is an iteration
15 of what the Board has heard on a number of occasions.

16 A. Paragraph 44 or 47?

17 Q. I'm sorry, 47.

18 A. 47, okay.

19 Q. Is a reiteration of this fact that
20 you measure the significance of a change to the habitat
21 based upon these wildlife management objectives; is
22 that correct?

23 A. Yes, that's correct. We judge the
24 significance of the effect by and large against the
25 achievement of our objectives.

1 Now, inherent in that, of course, is the
2 whole idea of maintaining natural systems, and that's a
3 benchmark as well, and you would have to do that in
4 order to meet your wildlife management objectives
5 anyway.

6 Q. But the words that you have used here
7 is the significance in any changes to habitat.

8 A. Yes.

9 Q. Okay. And they will depend upon the
10 wildlife management objectives and those are population
11 objectives; correct?

12 A. Correct.

13 Q. So you are using the population as a
14 measure, how should I say, an indicator of whether we
15 are achieving our habitat objectives; is that correct?

16 A. Yes, we are.

17 Q. In your view --

18 A. Mr. Hanna, perhaps before we go on I
19 just -- I realize that we are certainly using the
20 population as a measure of habitat, but our field
21 people obviously use more direct means and they look at
22 what is on the landscape, they are aware of what's
23 regenerating on the site, the conifer, the mixed wood
24 sites are known.

25 So that's information also that we have

1 and utilize in terms of determining what's happened
2 with habitat per se. It is not just what's happened
3 with the wildlife population, but we use the vegetative
4 information that is available as well.

5 Q. But I guess what I'm trying to come
6 at, I'm looking at this from the point of view of the
7 public, someone like myself who is saying: I am
8 concerned about particular elements of the environment
9 and I want to -- I'm the watchdog who wants to make
10 sure the Ministry is doing a good job.

11 What information are you going to provide
12 to me that you just described to me, or is really my
13 window in the population, the objectives? What you are
14 saying, the provincial objectives you are establishing,
15 you are saying this is what it is for a wildlife
16 management unit, if we meet those you can be satisfied
17 that we are doing a good job.

18 A. I would say by and large that's
19 correct, with one perhaps additional thought here and;
20 that is, that the information that I believe we will be
21 providing in future, this state of the forest report,
22 will also give some indication not only of what's
23 happening with the wildlife component, but what is
24 happening with the vegetation component as well -- the
25 population component versus the vegetation component.

1 Q. And so that will provide details in
2 terms of habitat quality and quantity?

3 A. It will imply some things. It is not
4 a detailed analysis obviously in the sense that I think
5 you are looking for an evaluation of that vegetation as
6 wildlife habitat, it won't be evident in that way.

7 Q. I'm looking at this very simply as a
8 member of the public and concerned and wanting to
9 understand and be assured that the Ministry is doing a
10 good job,, and you are saying: Well, we will give you
11 the forest estate report - I forget how you referred to
12 it - and you will look at that and feel comfortable
13 that we are meeting our objectives.

14 Well, how will I know you are meeting
15 your objectives unless either, No. 1, you have got
16 habitat objectives; or, No. 2, you have given me some
17 connection between these provincial objectives that you
18 have set out and that habitat that you are describing?

19 A. And I guess in the case you
20 described, we are asking you to be content with the
21 wildlife population objectives being met.

22 Q. Thank you. In your view, is habitat
23 a highly dynamic element on a year-to-year basis or
24 does it change more gradually as the forest evolves?

25 A. It certainly does both.

1 Q. Very catastrophic events, but by and
2 large does habitat vary a lot on an annual basis, like
3 one year it's great, the next year it's very poor. I'm
4 talking about moose habitat now and --

5 A. Well, throughout the season of course
6 the animals utilize different parts of their habitat
7 because they are suitable to that period of time.

8 Q. That isn't my question. My question
9 is: If I look in the area that's, say, a good late
10 winter concentration area today and I go back three
11 years from now, withstanding a catastrophic event, a
12 forest fire or something like that, am I likely to be
13 able to go and see -- well, yes, I can still see that's
14 good habitat and I can be fairly confident that what I
15 go back and see is going to be what I saw three years
16 ago?

17 A. Those kind of features, the one you
18 described, yes, you would expect them to persist
19 through some length of time.

20 Q. And they are relatively easy to
21 measure because they are static, they sit there, the
22 trees don't run away from us?

23 A. That's true. There is a habitat and
24 the animal utilization of them may change, mind you.

25 Q. Yes. Would you agree that by

1 surveying the habitat on, say, a five-year basis that
2 one might be able to gain a reasonably good assessment
3 of the habitat quality over that period of time and
4 quantity?

5 A. I take it your question is if having
6 knowledge about habitat is useful for wildlife
7 managers, and we do have that information.

8 The most -- the information readily at
9 hand right now is the FRI, forest resources
10 information -- forest resources inventory information
11 and, as that is updated, then it provides you with a
12 new look at wildlife habitat.

13 Q. Would you agree with me that wildlife
14 populations typically undergo significant annual
15 variations, whereas habitat tends to be much less
16 dynamic?

17 A. Habitat would normally change slower
18 than animal populations, yes.

19 Q. Not only slower, but it tends to not
20 have major variations like populations. Do not
21 wildlife populations typically have a reasonably high
22 degree of variation on an annual basis from one year to
23 the next?

24 A. Yes, I would agree with that.

25 Q. Now, if we were to set quantitative

1 habitat objectives and to measure the habitat at any
2 point in time, would you agree that we would be less
3 uncertain as to whether or not the objectives were
4 being achieved as compared to whether population
5 objectives were being achieved?

6 One is very predictable and relatively
7 doesn't vary that much, the other has a lot of
8 variation in it.

9 A. Somewhere in there you lost me.

10 Q. Okay, I will start again. I think it
11 is an important point.

12 Okay. It's a hypothetical, the fact that
13 we had habitat objectives as opposed to population
14 objectives and that we were undergoing some sort of
15 regular assessment of the habitat over time, the forest
16 estate report that you are talking about.

17 Now, if I was to look at that forest
18 estate report and try to measure that against some
19 provincial objective that you had set and, at the same
20 time, I was trying to take a population measure and
21 compare that against some population objective you had
22 set, I'm more likely -- I have less uncertainty in the
23 habitat comparison; is that correct?

24 A. Hmmm.

25 Q. I can reduce the basic statistics if

1 you want. I think it's a fairly simple concept. One
2 varies a lot and one has a fairly predictable constant
3 trend. The one with a high degree of variation
4 generally is less certain; is that not correct?

5 A. I think I understand the general
6 point you are making and I would tend to agree with it,
7 but the point is that we are measuring populations
8 frequently as well, and that we think is necessary.

9 THE CHAIRMAN: But even if you had a
10 measurment, a reasonably consistent steady measurement
11 of habitat, would not you still be subjected to
12 fluctuations in wildlife populations because, assuming
13 that right now the habitat isn't changing dramatically,
14 year to year, you are experiencing fluctuations in
15 wildlife populations on a year-to-year basis?

16 MR. HOGG: Yes, Mr. Chairman. Yes,
17 that's correct.

18 THE CHAIRMAN: So how much farther ahead
19 would you be if you had a better handle on the habitat
20 in terms of being able to forecast fluctuations in
21 wildlife on a shorter term basis?

22 MR. HOGG: Well, we would not be, if we
23 instead measure those population changes.

24 MR. HANNA: I am looking at it from the
25 point of view of the public, Mr. Chairman, the public

1 looking in and trying to --

2 THE CHAIRMAN: Well, it is fine to look
3 at it in terms of the public, Mr. Hanna, but you have
4 to realize, I think, that there is an ultimate bottom
5 line or purpose to all of this as well.

6 One is saying to the public: You can
7 have a relative degree of confidence in certain
8 results, and the other thing is looking at the results
9 themselves. And if the results are not going to
10 materially change or be affected, then you have to look
11 sometimes I think at the utility of collecting
12 additional data which will not materially impact on the
13 results, and it's a balance.

14 And that's not to say that in certain
15 cases the degree of confidence in terms of the public
16 perception is not worth the price. But, on the other
17 hand, there may be situations where that degree of
18 confidence is not worth the price, given the fact that
19 the ultimate bottom line result isn't going to change
20 materially.

21 MR. HANNA: That's premised on that the
22 bottom line is not going to change, Mr. Chairman, but I
23 appreciate what you are saying.

24 THE CHAIRMAN: Well, based on my
25 questions of Mr. Hogg in terms of wildlife populations

1 fluctuating on an annual or shorter period of time,
2 that appears to be the bottom line in that area.

3 MR. HANNA: Q. Mr. Hogg, you were here
4 when we talked about the infamous red-shouldered hawk;
5 were you not?

6 MR. HOGG: A. I was.

7 Q. And one of the problems we faced with
8 the red-shouldered hawk was knowing when we reach point
9 A I believe was the point that we talked of before. I
10 haven't got that exhibit out, but you recall that; in
11 other words, the point that something is happening,
12 something bad is happening?

13 A. Yes.

14 Q. Time to take action?

15 A. Yes, I do recall that. Yes, yes.

16 Q. And I believe I showed Dr. Euler a
17 graph that went back, I can't remember, '55, and I
18 believe his evidence went forward to '74 or whatever,
19 into the 70s, some 20 years of information, and he was
20 quite reluctant to say that -- he wouldn't really say
21 anything, given the information, in terms of: Are we
22 really having a problem.

23 Was that not the essence of what he said?

24 A. Well, I think Dr. Euler acknowledged
25 that, in his opinion, that there was grounds for

1 concern in terms of red-shouldered hawk populations
2 and he used a graph, particularly I guess it was from
3 the Long Point Bird Observatory data to demonstrate
4 that drop.

5 Q. But the point is that we had to have
6 a certain history of information, how do you say,
7 before we could decide that we had passed point A?

8 A. Yes, you need trend through time
9 information so the drops can be observed.

10 Q. The effect has to happen before we
11 can detect it and there has to be a period of time, a
12 lag even after the effect has happened before we can
13 take action?

14 A. You have to have at least two points
15 in order to extend the trend, so there has to be at
16 least two past surveys.

17 Q. Okay. Now, a fundamental principle
18 underlying the featured species concept is the fact
19 that it will protect or provide habitat for
20 approximately 70 per cent of the vertebrate species in
21 the boreal forest; is that correct?

22 A. That's an effect we believe of the
23 featured species approach, yes.

24 Q. Now, is not implicit in that that
25 there is a certain habitat for the moose that will

1 provide for that 70 per cent of the other species?

2 A. Some element, yes. Moose habitat
3 should meet the needs of those other species.

4 Q. But if the moose is controlled not
5 only by habitat but by hunting and climate and natural
6 predation and a whole variety of other factors, I can't
7 be certain what the quality of the habitat is for those
8 other 70 per cent unless I had said: This is the
9 habitat; in other words, unless I had taken that leap
10 of fate and said: This is the kind of habitat I want,
11 specifically this is the kind of habitat I want,
12 because there are all these other variables affecting
13 the population.

14 A. Well, certainly the variables affect
15 the moose population, but the idea is that we apply the
16 Moose Guidelines and we do expect moose to use that
17 habitat.

18 But if for some reason it's not there to
19 use it, perhaps it gets shot or it is predated upon,
20 that habitat exists for the use of all those other
21 things.

22 Q. No, I appreciate that fully. That's
23 not where I am coming from. Is not the reason the
24 featured species concept is argued as a sound concept
25 because it leads to a certain, how do you say, menu of

1 habitats out there for those 70 per cent of species?

2 A. Across a broad area?

3 Q. Yes.

4 A. Yes, it does. That's the
5 expectation.

6 Q. Now, as far as I read the guidelines,
7 the guidelines don't say: This is what the habitat is
8 going to look like; they simply say: This is what you
9 can't do.

10 In other words, they don't say -- it
11 doesn't say we are going to have -- well, maybe it is
12 easier just refer to Exhibit 482 behind you.

13 MR. FREIDIN: Well, Mr. Chairman, I think
14 we have spent a lengthy time in Panel No. 10 in
15 cross-examination of Dr. Euler, including Exhibit 482,
16 indicating what that was and how it related to the
17 Moose Guidelines and how it dealt with -- how it
18 compared to the basis upon which the Moose Guidelines
19 were formulated.

20 I would suggest that we are being
21 repetitious to the extent where it is not going to be
22 of assistance to the Board.

23 THE CHAIRMAN: Where are you going
24 exactly, Mr. Hanna?

25 MR. HANNA: Where I am going is this:

1 That in the exercise of renewal, the timber management
2 activity of renewal, there are decisions made that
3 affect the future habitat structure in the boreal
4 forest for a century or more.

5 Now, that leads to a certain habitat
6 structure and all the things that the Board has heard
7 about a number of occasions, and I am looking at what
8 assurance the guidelines are going to give us in terms
9 that those other 70 per cent of the species are going
10 to be provided with the habitat.

11 And what I guess basically the premise of
12 the line of questioning is, is that because the
13 guidelines do not say: We are going to have, for
14 example, 15 per cent mature spruce forest we are going
15 to have these different proportions, they don't --
16 there's nothing in the guidelines that say that.

17 The guidelines don't make -- are
18 completely silent on what the future structure of the
19 forest is going to look at, they only say: This is
20 what you can do on a particular site.

21 And I guess I'm pursuing with the witness
22 as to the decisions he's talking about at renewal, at
23 the -- during the process of renewal, how he can assure
24 us that the habitat for these other 70 per cent of the
25 species will in fact be provided.

1 And I guess I am also asking him for his
2 opinion on: If we set habitat objectives, does that
3 not reduce the possibility of those other 70 per cent
4 of the species not being sufficiently dealt with?

5 THE CHAIRMAN: Well, why don't you just
6 ask some direct questions.

7 Mr. Hogg, if you set habitat objectives
8 instead of population objectives, would that not reduce
9 the chance in the future, many years from now that the
10 habitat that you need would be available for 70 per
11 cent of the vertebrates that are now presently covered
12 under the Moose Guideline approach?

13 MR. HANNA: I couldn't have said it
14 better myself, Mr. Chairman.

15 MR. HOGG: I think it can be done in a
16 way that you and Mr. Hanna have suggested, Mr.
17 Chairman. You could set habitat objectives in the way
18 we see in Exhibit 482 behind me here, but whether or
19 not that is necessary is, I think, a debatable point.

20 We do apply the Moose Guidelines on a
21 site-specific basis as opportunity arises to do so and,
22 I mean by that, when a timber management operation
23 occurs, and in that application in that way, we feel
24 fairly confidently that we will be creating that mosaic
25 of vegetation that will provide the needs of those 70

1 per cent of species.

2 MR. MARTEL: Can I ask a question. If
3 you set guidelines similar to the ones behind you on
4 the chart, and you had to do that for a variety of
5 species, how will you ever achieve anything?

6 MR. HOGG: Excellent point, Mr. Martel.
7 In fact, you could not begin to do it for every
8 species, you would still make some judgments about what
9 you are going to manage for and that's what these
10 people have done with this particular exhibit. That is
11 a moose model habitat, if you will.

12 MR. HANNA: Q. Mr. Hogg, is that not the
13 essence of the featured species approach, exactly what
14 Mr. Martel has said, it's a practical way to come to
15 this problem?

16 MR. MARTEL: Let me be clear what I'm
17 saying is if you don't look at moose though, you have
18 to look at deer and you have to look at other
19 vertebrates and you have tried to establish -- what I'm
20 looking for is: Could you establish -- it might be
21 easy to write it all down on paper that you establish
22 these objectives. How would you ever translate that, I
23 guess the question I am asking, in the real world, in
24 the forest.

25 If this is the example for moose and you

1 needed examples for -- or you had to have it for other
2 animals, how would you ever achieve anything?

3 MR. HOGG: Is that --

4 MR. MARTEL: That is the question I'm
5 asking.

6 MR. HOGG: Yes. Well, you would have to
7 be selective. You cannot manage for all things all
8 vertebrates in all places in the province, so you are
9 faced with doing as we have done and as - well, as we
10 have done and say that: Okay, if -- when you manage
11 for moose recognize that there are benefits to that for
12 other species.

13 And in the featured species paper by Dr.
14 Euler and Dr. Baker we said here's -- here's the
15 animals we think will benefit from the application of
16 those Moose Guidelines. So our objective then becomes
17 to manage for moose and not those 70 per cent of other
18 things, 70 per cent of 309, whatever that is, we don't
19 manage for those specifically we manage for moose.

20 If you had a special concern about
21 something else and you wanted to manage for
22 red-shouldered hawks, then what would have implications
23 for another list of animals.

24 There is never -- there cannot be
25 complete assurance that by managing for the moose you

1 are going to take care of every single other animal out
2 there.

3 That is our expectation and we are going
4 to monitor that, but at the outset of the process you
5 have to make a management decision based on the premise
6 you can't manage for all things in all places, it's
7 physically impossible.

8 MR. HANNA: And --

9 THE CHAIRMAN: Excuse me, Mr. Hanna. Mr.
10 Hogg, just going back to my earlier question, so we can
11 sort of finish this line of questioning.

12 Would your answer essentially be that you
13 could set habitat objectives to ensure that the habitat
14 would be available in the future that would cover the
15 70 per cent of other vertebrates, but that you don't
16 feel it's necessary and that you feel the present
17 management scheme in place, managing for featured
18 species on a population basis, is adequate. Is that
19 your evidence?

20 MR. HOGG: Yes, it is, Mr. Chairman.
21 That is how -- that is what I believe.

22 THE CHAIRMAN: With the exception of the
23 30 per cent that isn't covered.

24 MR. HOGG: Correct.

25 THE CHAIRMAN: So I think, Mr. Hanna,

1 what we are getting here is: Yes, it can be done the
2 other way. This particular witness doesn't feel it's
3 necessary, or it would endanger the covering of the 70
4 per cent.

5 You may wish to pursue that in your side
6 of the case concentrating on the alternative.

7 MR. HANNA: Q. I would just like to get
8 a point of clarification then from you Dr. -- or Mr.
9 Hogg. Exhibit 472, have you got that exhibit with you?

10 MR. HOGG: A. I don't believe so.

11 Q. It's one of the exhibits I indicated
12 at the --

13 MR. FREIDIN: 472?

14 MR. HANNA: Q. It's actually Dr. Euler's
15 overhead.

16 MR. HOGG: A. Oh.

17 MS. BLASTORAH: (handed)

18 MR. HOGG: Yes I have it. Which one?
19 There's a package here.

20 MR. HANNA: Yeah. I only want to look at
21 page 1 first of all. I am sorry, Mr. Chairman.

22 THE CHAIRMAN: Well, we have got one up
23 here. That is good enough. Go ahead.

24 MR. HANNA: My question -- there is only
25 going to be two questions on it, Mr. Chairman.

1 Q. Now, page 1 there, the first bullet,
2 can you read that, please, Mr. Hogg?

3 MR. HOGG: A. Yes. It says:

4 "Wildlife habitat objectives are achieved
5 in timber management."

6 Q. Now, I thought we just established
7 that you don't have wildlife habitat objectives. We've
8 got population objectives, but we don't have habitat
9 objectives; is that not correct, or am I playing with
10 words?

11 I want to make sure I understand this.
12 Do we have objectives -- do we have the numbers, the
13 sort of thing that we have behind us there we want
14 these proportions of stand types to deal with our 70
15 per cent of the vertebrate species?

16 A. If the word objectives of necessity
17 means quantification then, no, we don't have wildlife
18 habitat objectives.

19 But I believe in the sense that Dr. Euler
20 used this word in this splace, it's a recognition that
21 wildlife does require habitat and thus there's an
22 objective to produce that. But in a qualitative --
23 more qualitative way rather than perhaps a quantitative
24 way in which I think you are talking about it.

25 Q. Can you turn to the next page,

1 please. Now, it says there two kinds of objectives;
2 numerical and viable populations.

3 Now, that's a different word, the
4 objectives there is a different word. I just want to
5 make sure.

6 MR. HANNA: I have, as I say, only two
7 questions here, Mr. Chairman. I just want to make sure
8 that we do not have - just a clarification of this
9 exhibit - that we do not have objectives, numerical
10 objectives for habitat like are shown in Exhibit 472.

11 THE CHAIRMAN: I think he just said you
12 do not.

13 MR. HANNA: Q. Okay. So this is
14 somewhat misleading in that sense.

15 MR. HOGG: A. I think the word objective
16 is being used in a couple of different ways, that's
17 all.

18 MR. FREIDIN: I think you can draw your
19 own conclusions. You can't just look at the words
20 there and forget what Dr. Euler said.

21 MR. HANNA: Q. Now, we talked about the
22 ONEPOP model...

23 MR. HANNA: Mr. Chairman, I have got some
24 good news.

25 THE CHAIRMAN: We are always open to good

1 news.

2 MR. HANNA: I had the chain saw out last
3 night rather than the scalpel and --

4 MR. HYNARD: Y-e-e-e-a-a-a-a!

5 MR. HANNA: I knew Mr. Hynard would
6 appreciate that. And so people, if they want to make
7 changes in travel arrangements, I am hoping to be
8 finished by the noon break, so just...

9 THE CHAIRMAN: Okay. I wonder if we
10 could have just a very short 10-minute break. Would
11 that be possible?

12 MR. HANNA: Certainly.

13 THE CHAIRMAN: Okay.

14 ---Recess taken at 11:40 a.m.

15 ---On resuming at 12:50 a.m.

16 THE CHAIRMAN: Thank you. Be seated,
17 please.

18 MR. HANNA: Q. We are near the home
19 stretch here, Mr. Hogg. A couple of questions here
20 with regard to a specific statement in your resume on
21 page 63 of the witness statement, and I am particularly
22 looking at the second paragraph there.

23 MR. HOGG: A. Yes.

24 Q. I take it from this that you have
25 some knowledge of the wildlife and timber management

1 programs in the U.S. national forests?

2 A. I have some knowledge, I wouldn't
3 characterize it as detailed.

4 Q. Can you tell me if explicit
5 measurable wildlife habitat objectives are included in
6 timber management plans for U.S. national forests?

7 A. My understanding is that, yes, they
8 do attempt to describe some quantitative objectives for
9 a series of species in each national forest.

10 Q. Thank you. Now, we talked about the
11 ONEPOP model and I believe we established that that
12 model is used to set moose tag quotas on an annual
13 basis; correct?

14 A. I believe that was the testimony of
15 Dr. Euler.

16 Q. And the input information to the
17 ONEPOP model is population size, harvest whatever,
18 basically measures of the population in the preceding
19 year; correct?

20 A. Yes, as I understand it.

21 Q. And the --

22 MR. FREIDIN: Mr. Chairman, I think the
23 witness has indicated that he doesn't have any
24 particular expertise in the ONEPOP model and hasn't had
25 occasion to use it.

1 I am just wondering if the line of
2 questions would be helpful if all the witness would be
3 able to say is: That is what I understand it to be.

4 MR. HANNA: Mr. Chairman, I am not going
5 to go into the details of ONEPOP in any way. It's just
6 a matter of just establishing a few minor points with
7 it, and I think the witness has said he has got a
8 general understanding. That is all I need for these
9 questions.

10 THE CHAIRMAN: Okay, let's proceed.

11 MR. HANNA: Q. And the tags are
12 proportional to the moose population in a given area.
13 You can look at the tags and get a pretty good idea
14 what the moose population is; is that not right?

15 MR. HOGG: A. Well, it works the other
16 way but, yes.

17 Q. I beg your pardon?

18 A. It works the other way, you look at
19 the moose population and assign your tags accordingly.

20 Q. Okay. And the tags are derived from
21 the moose population?

22 A. Yes.

23 Q. In other words, you look at the moose
24 population and that's what says this is how many tags
25 we are going to have?

1 A. There's a relationship.

2 Q. Now, what is the difference between a
3 tag and a quota; are they basically the same thing?
4 You have got tags and quotas. You are familiar with
5 the term quotas -- moose quotas. The quota is the
6 number of moose that are set out be to killed and that
7 is based upon some --

8 A. Yes, the tags are different from
9 quotas. Quotas are the overall objective, if you will,
10 for moose hunting and moose population -- say the moose
11 hunting only.

12 Q. So the tags and the quotas are
13 basically one in the same; right, you issue a number of
14 tags --

15 A. They're equivalent.

16 Q. They're basically equivalent?

17 A. Yeah.

18 MR. HANNA: I was hoping Mr. Sutterfield
19 would not be in the audience.

20 THE CHAIRMAN: Sounds like you are not
21 going to get a moose tag, Mr. Sutterfield.

22 MR. HANNA: I have some bad news for him.
23 Mr. Chairman, I would like to introduce a recent News
24 Release of the Ministry it has directly to deal with
25 the evidence, I can assure you. (handed)

1 Q. This is a News Release from your
2 Ministry; correct, Mr. Hogg?

3 MR. HOGG: A. I am not familiar with it,
4 but it certainly looks like one.

5 Q. And on the --

6 THE CHAIRMAN: I suppose we should put
7 this in.

8 MR. HANNA: Give it an exhibit, Mr.
9 Chairman.

10 THE CHAIRMAN: That will be Exhibit No.
11 594.

12 ---EXHIBIT NO. 594: News Release issued by MNR.

13 MR. HANNA: Q. The fifth paragraph
14 there, can you read the first -- well, read the
15 whole -- well, the first sentence is what I am really
16 interested in. Could you read the first sentence,
17 please.

18 MR. HOGG: A. "About 4 per cent fewer
19 tags will be available this year compared
20 to 1988."

21 Q. Now, a member of the public looking
22 at that, might they conclude because there's a
23 relationship between the population and the tags that
24 things may not be as good as they might be. It isn't a
25 4 per cent increase, it's a decrease; correct?

1 A. Well, certainly it is a decrease and
2 one might presume things look worse instead of better,
3 if that is your question.

4 Q. Well, I think most hunters would say
5 it would look better if it was an increase. Wouldn't
6 you agree with that?

7 A. Yes.

8 Q. And I believe the next paragraph -- I
9 believe the next paragraph provides some reasons why
10 the decrease occurred; is that right?

11 A. Yes, it seems to.

12 Q. And the reasons are low moose
13 populations or high hunter success rates; right?

14 A. Those are the reasons indicated, yes.

15 Q. Now, if I was a member of the public
16 and I was trying to take literally what has been said
17 here in terms of you achieving your objectives and
18 measuring you on that basis, would I not have some
19 cause for concern looking at these numbers.

20 A. I don't think necessarily. For
21 starters, four per cent is not terribly large.

22 Q. What would be large?

23 A. Well, maybe perhaps -- okay. Perhaps
24 four per cent is large to you; four per cent is not
25 terribly large to me. I would think, you know, 10, 20,

1 30 per cent range, that is something of significance.

2 Q. I see. So I couldn't really measure
3 you -- the public, if they looked at this and we had a
4 timber management planning process in place and they
5 looked at this, I really couldn't just look at this and
6 say we've got problems.

7 I couldn't just go to my MPP and say:
8 Hey, look we have problems here, we have got to tighten
9 things down. I couldn't just look at this and make
10 that sort of conclusion?

11 A. No, you should not; what you should
12 do is look at this trend through time, that information
13 that we have collected and generally over the last few
14 years there has been that uptrend and so tag allocation
15 for 1989 should not be the -- should not be your final
16 deciding factor, the factor used to make your final
17 decision about how good or bad we are doing.

18 Q. So this is sort of an extension of
19 what we talked about before, because populations have
20 variations in them, whatever, I can't just look at that
21 one piece of information and come to some conclusion, I
22 really -- I have to have the effect there for a period
23 of time before I can really come to any conclusion?

24 A. There would have to be some period of
25 time, yes.

1 MR. HANNA: Mr. Chairman, I would like to
2 introduce another exhibit which is the tag quotas
3 produced by the Ministry from 1983 to 1989.

4 THE CHAIRMAN: Very well.

5 MR. HANNA: (handed)

6 THE CHAIRMAN: Exhibit 595.

7 ---EXHIBIT NO. 595: MNR tag quotas 1983-1989.

8 MR. HANNA: Q. Now, just to -- I realize
9 you haven't seen these numbers before, Mr. Hogg. It
10 will help you, but I will just tell you, I have made
11 some modifications here that I hope will help you
12 follow through this.

13 You will note in some places, for example
14 I will give an example. On page 5 you see on the
15 left-hand side at the bottom the number 38,372.

16 MR. HOGG: A. Yes, I see that.

17 Q. Just so you understand how that
18 number -- I have gone through it to make it easier to
19 follow the numbers. I have just added the 28,190 and
20 the 10,182.

21 A. Okay. All right.

22 Q. And those are the -- those two column
23 totals are the bull and cow total tags; correct?

24 A. Apparently. Excuse me, Mr. Hanna.
25 Is that 1986 we are looking at there?

1 Q. That's 1986. Yeah, unfortunately
2 some of it got cut -- it's hard to read that. I had
3 actually written in on hand but the pages were longer
4 than the metric size and so this is cut off but, yes,
5 that is 1986. They are in order going 1988 backwards
6 to 1983.

7 The other thing I just draw to your
8 attention I have done that will help you in the
9 questions I am going to ask you, is that you will see
10 under different wildlife management units some of them
11 are underlined, in fact there's three that are
12 underlined in all of the exhibits -- all of the tables
13 and the ones that are underlined are 1A, 37 and 42.
14 You see I have underlined those?

15 A. Yes.

16 Q. Okay. And the numbers I have written
17 in there, are again my numbers. I have calculated just
18 by adding the totals for each of the wildlife
19 management units. Do you see that?

20 A. You have put in the totals for each
21 of the management units.

22 Q. For those ones I have underlined, for
23 that wildlife management unit, I am just simply going
24 to give -- so it's just easier to follow through the
25 numbers. I just want to make sure you understand what

1 I have done so we can move through this quickly.

2 A. Okay.

3 Q. Now, I would like to follow through
4 these tables and it might be useful to you to just
5 perhaps get a piece of paper and just jot these numbers
6 down.

7 It's easier rather than to have to flip
8 the pages and whatever. So I want you just to look at
9 these numbers, I want to get your conclusion in terms
10 of what might be shown by these numbers, okay, and what
11 I would like to deal with first is the total -- the
12 annual total tags issued and I can read them off to
13 you.

14 If you want to confirm them, you can go
15 back through and confirm them. I will just read them
16 off from 1989 back to 1983. These are the provincial
17 total tags.

18 A. Okay.

19 Q. Okay. And it goes, I believe for '89
20 the number is 34,215; '88 we have --

21 MR. HANNA: I will just go slowly here,
22 Mr. Freidin. The 34,215 came from Exhibit 594. That
23 deals with 1989 quotas and then I am going to go
24 through Exhibit 595 and the total for; 88, et cetera.
25 Okay.

1 Q. So 34,215 is '89; 35,711 for '88;
2 38,127 for '87; 38,372 for '86; 40,825 for '85; 44,830
3 for '84; and 38,544 for '83.

4 MS. CRONK: Sorry, what was the last
5 number that you gave?

6 MR. HANNA: The last number is 38,544.

7 MS. CRONK: Thank you.

8 MR. HANNA: Q. Have you those numbers,
9 Mr. Hogg?

10 MR. HOGG: Yes, I have them.

11 Q. Now, I look at the decline from 1984
12 to 1989, I have calculated a 31 per cent decline in
13 moose tags. Is that the same as you have calculated?

14 A. Well, I haven't calculated it and
15 there is a -- you know, in terms of absolute numbers
16 that you have given me. There is a difference between
17 44,000 and 34,000.

18 Q. Well, you can confirm that number.
19 If that number is not correct, you can come before the
20 Board and tell them otherwise.

21 Now, I believe you said that you have to
22 look at trend over time data to come to conclusions in
23 terms of whether or not the Ministry is achieving its
24 objectives; is that correct?

25 A. Yes.

1 Q. Is this trend over time data?

2 A. It is trend over time data.

3 Q. Is 31 per cent significant?

4 A. It's rather large.

5 Q. Is it significant? I believe the
6 words -- the numbers that you actually quoted were 10,
7 20 or 30 would be significant.

8 A. I would think it would be a
9 significant drop in tags. I think I should jump in
10 here and point out that although I am not the
11 provincial moose biologist and I am not a moose
12 manager, per se, and I would have difficulty explaining
13 what's going on in each and every unit that you
14 have -- that is listed here and why certain numbers are
15 going up and down particularly, but I am aware that one
16 of the things that has happened is the moose herd has
17 built in the Province of Ontario is that in fact hunter
18 success rates have gone up and, as a result, people are
19 being more successful and because of that they are
20 putting a limit on the herd and they are chewing up our
21 target -- our overall population target is being
22 jeopardized.

23 And so in these cases, again I'm not the
24 provincial moose biologist here, but there has been a
25 reduction in tags for that reason. Though the moose

1 population is building and we do expect to see the
2 point and the time when the tags will be increasing
3 again, there was this period - and perhaps we are still
4 in it - when the tags have been going down for a period
5 of years because of this increased success.

6 So the trend through time data I guess we
7 asked you to look at are the moose population numbers
8 as opposed to tag allocations.

9 Q. But does your Ministry not have
10 objectives in terms of moose hunting also?

11 A. We do.

12 MS. CRONK: Excuse me. I'm sorry, Mr.
13 Chairman, to interrupt. Sometimes what happens in
14 circumstances like this, where questions are asked and
15 the witness is asked to then confirm mathematics many
16 weeks pass, many months pass before that's done.

17 I don't profess to have a degree in
18 mathematics, but I can tell you this table is coming up
19 with a different percentage. I wonder if Mr. Hanna can
20 take the time now and ask the witness to confirm the
21 suggested percentage.

22 THE CHAIRMAN: Okay.

23 MR. HANNA: Q. Mr. Hogg, can you --

24 THE CHAIRMAN: Does anyone have
25 calculator?

1 MR. HANNA: I have got a calculator here,
2 Mr. Chairman.

3 THE CHAIRMAN: No, I think it would be
4 easier if we did it with a calculator.

5 MR. HANNA: Q. Just so we are using the
6 same number here, I am talking about the change in
7 population or change in number of tags between '84 and
8 '89. In other words from 44,830 to 34,215.

9 MR. HOGG: A. That would be 44,830 in
10 1984?

11 Q. Yes.

12 A. To 34,215 in '89?

13 Q. Right.

14 A. Yes. 23.66941 per cent.

15 THE CHAIRMAN: Does that accord with you,
16 Ms. Cronk?

17 MS. CRONK: Yes it does, sir.

18 MR. HANNA: Well, Mr. Chairman, this was
19 done at 4:30 this morning, so I will stand to be
20 corrected if it's 23 per cent.

21 Q. Does that change your answer if it
22 was 23 per cent, Mr. Hogg?

23 MR. HOGG: A. No. This trend if you
24 will on tags is not entirely to our liking, but it is
25 not reflective of the population per se. The

1 population trend is going the other way.

2 What this indicates is that those people
3 that are getting those 34,000 tags, a greater
4 percentage of them are being successful out there and
5 thus that's required that there be fewer tags issued in
6 order that the population isn't over hunted.

7 Q. And one of the reasons you have over
8 hunting is because of susceptibility because of the
9 nature of the habitat; is that correct. Clearcuts are
10 a problem; is that not correct, in terms of harvest?

11 A. Well, I think you have made a leap
12 there. We are controlling the kill of what we consider
13 to be the significant part of the population, the bulls
14 and cows, through these tag allocations.

15 So over hunting -- we are controlling
16 over hunting in that way. So over hunting per se is
17 not a problem.

18 Q. So this is another example where the
19 public's really left in the dark in terms of being able
20 to see these numbers and not really know what's going
21 on?

22 THE CHAIRMAN: Well, doesn't the public
23 have access to the moose population objectives?

24 MR. HOGG: It certainly have access to
25 the objectives in terms of population numbers that are

1 produced yearly.

2 It's no secret. I don't know exactly the
3 explicit way in which that's imparted to the public,
4 but news releases are frequently used and then I
5 wouldn't be surprised if they are used in such
6 circumstances.

7 MR. HANNA: Q. But back to the News
8 Release, does not the News Releases say that one of the
9 reasons that there is a decrease in tags is because
10 there's low populations in areas?

11 MR. HOGG: A. In some areas they have
12 indicated that perhaps there's a lower population than
13 desirable. See, I think it's hard to disconnect those
14 two thoughts, low moose populations and higher hunter
15 success rates are linked.

16 Q. Okay. Let's just look at a few
17 specific wildlife management units and perhaps you can
18 tell me that the types of trends that we are seeing
19 here are a result of increased hunter success?

20 A. Well, Mr. Hanna, I can't do that for
21 you. I mean, I don't know those units and I can't draw
22 that conclusion from this information, I'm sorry.

23 Q. So I would ask you then: How can a
24 member of the public come to those certain conclusions?

25 Like, I can tell you, for example, in

1 unit 42 there's been a 93 per cent decline in moose
2 tags between 1984 and 1989. A 93 per cent decline,
3 that is a very large increase in hunter success; would
4 you not agree?

5 A. It's not hunter success, it's number
6 of tags issued.

7 Q. Well, if you are saying the
8 population is increasing, I don't see how they all
9 balance.

10 MR. HANNA: Perhaps, Mr. Chairman, I
11 think the point has been made. I think the easiest way
12 to deal with this, I'm quite prepared to go back and to
13 look at the population numbers themselves.

14 Certainly what I am seeing here and what
15 I think the public sees - and I am looking at it from
16 that point of view --

17 MR. FREIDIN: Well, Mr. Chairman, why
18 doesn't he just argue the case when it's time to argue
19 and not now.

20 MR. HANNA: I agree, Mr. Chairman. That
21 was not my intent. I will rest it where it is. I
22 think the point is made and that is sufficient.

23 THE CHAIRMAN: Okay. Let's move on.

24 MR. HANNA: We have. I am --

25 THE CHAIRMAN: Done?

1 MR. HANNA: I am done, Mr. Chairman.

2 THE CHAIRMAN: Very well. I think I
3 indicated that maybe you should be entitled to a prize
4 if you finished early.

5 MR. HANNA: I have been waiting to hear
6 what it is.

7 THE CHAIRMAN: Well, we never anticipated
8 that it would happen, so I am not sure we've arranged
9 for a prize, but we will certainly give it some
10 thought.

11 Thank you, Mr. Hanna, for reorganizing
12 your case in a manner to allow us to complete this
13 cross-examination expeditiously. The Board appreciates
14 it.

15 Very well, ladies and gentlemen, we will
16 adjourn I guess --

17 MR. ELLIOTT: Mr. Chairman, yesterday I
18 was given a couple of undertakings with respect to
19 prescribed burning. I'm prepared to deal with one of
20 those now, if that's okay with the Board.

21 THE CHAIRMAN: Okay, if you want to put
22 that on the record.

23 MR. ELLIOTT: Yesterday I was given an
24 undertaking with respect to the Battersby prescribed
25 burn in the areas of concern around that burn and I

1 have some information that may shed some light on the
2 discussion.

3 I might refer everybody to Exhibit 532B,
4 page 448, which is the map of a typical prescribed
5 burn, suppression is the title.

6 In looking into this matter a little
7 further, yesterday when there was some discussion about
8 areas of concern on this burn, the prescribed burn plan
9 that was written for this particular burn did not
10 mention any areas of concern or other non-timber values
11 in or around this particular prescribed burn project.
12 However, that doesn't tell the whole story and there
13 are some other things that I think would serve to
14 complete the story with respect to areas of concern or
15 reserves or whatever we wish to call them.

16 This particular area was managed under a
17 forest management plan developed in 1985. In that plan
18 reserves were left -- standing timber reserves were
19 left along waterways and watercourses in that area.
20 Some time between the time the plan was written and the
21 time the burn was carried out, there was an amendment
22 to that particular forest management plan that allowed
23 the harvest of the reserves around the Battersby burn.

24 That was done on the basis of information
25 that was assessed by people in the district -- fish and

1 wildlife people in the district concerning the
2 fisheries and the wildlife values that those reserves
3 were intended to protect.

4 I might say also that one of the things
5 that the plan indicated was that there -- the plan --
6 the forest management plan indicated, was that there
7 were a couple of potential aquatic feeding areas. The
8 two lakes inside the burn, the most southerly one, and
9 directly south of that on the boundary of the burn,
10 were identified as two potential aquatic feeding areas.

11 The amendment to the plan, based on an
12 assessment -- a further assessment of the fisheries and
13 wildlife values in the area, led to the decision by the
14 district manager to harvest the reserves around those
15 two small lakes and whatever reserves are on the
16 watercourses on the east side of the burn and up in the
17 northeast corner.

18 There was a reserve left on Battersby
19 Creek on the west side of the burn to protect and
20 identify a fishery value.

21 I want to stress that the decision was
22 made after full consultation with the fish and wildlife
23 staff in the district and I trust the forestry people
24 and, in the case of the prescribed burn operation, the
25 fire management people as well.

1 The other thing that I would like to
2 mention is that the decisions that were made there were
3 made under the plan that was in place at the time.

4 That system is different than the
5 planning guidelines we now have, the Timber Management
6 Planning Guidelines we now have and the Fisheries
7 Guidelines and the Moose Guidelines and the Tourism
8 Guidelines that are now in place.

9 And in a case like this today the process
10 would be quite a bit different in terms of the
11 amendments and things that would be required to a
12 accomplish what was done in the Battersby burn area.

13 THE CHAIRMAN: Thank you. Any questions
14 arising out of that?

15 Ms. Seaborn?

16 MS. SEABORN: Thank you, Mr. Elliott,
17 that was very helpful to me.

18 Mr. Chairman, I think at this point what
19 I would ask is that the Ministry file for the record
20 the prescribed burn plan with respect to Battersby
21 Creek that has been referred to by Mr. Elliott.

22 I think that would be useful and it may
23 be that after I have a look at the plan, that on June
24 1st after Ms. Swenarchuks's cross-examination, I may
25 want to ask a few questions of Mr. Elliott with respect

1 to this specific issue, because I think this is quite a
2 bit of new information that's been put on the record
3 and I would like to have time to consider it.

4 THE CHAIRMAN: It shouldn't be difficult,
5 should it, Mr. Elliott?

6 MR. ELLIOTT: No, that's not difficult at
7 all.

8 THE CHAIRMAN: You might as well also
9 file the amendments to that plan as well.

10 MR. ELLIOTT: We are talking about filing
11 a copy of the prescribed burn plan?

12 MS. SEABORN: That's what I am interested
13 in.

14 MR. ELLIOTT: Okay.

15 MS. SEABORN: I think the other plan you
16 mentioned was actually the timber management plan.

17 MR. ELLIOTT: Yes. They were then called
18 forest management plans, but that's right.

19 MS. SEABORN: No, it is the prescribed
20 burn plan for that burn that I would be interested in
21 seeing.

22 MR. ELLIOTT: Okay.

23 MS. BLASTORAH: Mr. Chairman, just for
24 clarification, I just want to point out that I believe
25 Mr. Elliott was referring to amendments to the forest

1 management plan, not the timber management plan.

2 THE CHAIRMAN: Oh, okay.

3 MR. ELLIOTT: Yes, that's correct. The
4 other thing I might say, that I was using this as an
5 example of a prescribed burn operation and not a
6 prescribed burn planning process. That's why the plan
7 was not filed in the first place as an exhibit.

8 MS. SEABORN: That's fine. Thank you.

9 Is that acceptable to Mr. Freidin?

10 MR. FREIDIN: (nodding affirmatively)

11 MS. SEABORN: Thank you.

12 THE CHAIRMAN: Mr. Hanna?

13 MR. HANNA: While I may not be appearing
14 as a witness here, Mr. Chairman, I would like to
15 restore my credibility in terms of numbers.

16 I have gone back and calculated the
17 percentage: It is 31 per cent if you divide by 34,215;
18 if you divide by 44,830, it is 23.6, so we are both
19 right. I just put that in for the record.

20 MS. CRONK: Mr. Chairman, I'm sorry, I
21 would like the question put to the witness and I would
22 like the answer on the correct percentage based on what
23 the witness preceives to be the correct mathematical
24 approach.

25 MR. HANNA: Certainly. I will do that,

1 Mr. Chairman.

2 THE CHAIRMAN: Mr. Hogg?

3 FURTHER CROSS-EXAMINATION BY MR. HANNA:

4 Q. Mr. Hogg, I thought we were finished
5 here, but just a minor point. When you calculated your
6 23.6 per cent, did you divide by 34,215 or 44,830?

7 MR. HOGG: A. It would have been 44,830.

8 Q. Now, is it not equally correct to
9 put -- divide it by 34,215 depending on where you are
10 coming from?

11 A. Well, perhaps in your opinion. I do
12 it my way and it made sense to me.

13 MR. HANNA: Fine. Thank you.

14 MR. HYNARD: Well, correct mathematics
15 is: You asked for the percentage reduction and it is
16 the percentage of what you had originally.

17 So you would subtract the 34,215 from
18 the 44,000 - and I have forgotten the number - and then
19 use that difference as the reduction against what you
20 started with.

21 So that there is a correct mathematical
22 procedure Mr. Hogg followed that. 23.6 is the correct
23 number.

24 MR. HANNA: So that's one of the real
25 benefits of numbers, it reduces that sort of, how do

1 you say, potential for uncertainty?

2 THE CHAIRMAN: Well, it may reduce the
3 potential for uncertainty but, as I understood it, it
4 didn't change the bottom line in terms of the impact.

5 MR. FREIDIN: Mr. Chairman, I am just
6 wondering, did Mr. Hanna indicate -- he referred to a
7 percentage in his last series of questions of 94 per
8 cent?

9 MR. HANNA: Yes, that's fair, Mr.
10 Freidin.

11 MR. FREIDIN: Right. Perhaps you could
12 clarify for my purposes at least what you were
13 referring to when you were referring to 94 per cent?

14 MR. HANNA: What I was referring to, and
15 I have probably done the calculation incorrectly and I
16 am sure the witness can correct me at the appropriate
17 time, I was speaking with respect to wildlife
18 management unit 42, and I believe if you look at the
19 decline for wildlife management unit 42 it goes from
20 600 in 1984 to 60 in 1989.

21 And that was the number I was referring
22 to, Mr. Freidin.

23 MR. FREIDIN: It's 81 per cent. By hand
24 calculation, Mr. Chairman, I think that it's 81 per
25 cent looking at those numbers.

1 MR. HANNA: I didn't bring my computer
2 with me, Mr. Chairman, that's one of the problems with
3 these sort of numbers.

4 MR. FREIDIN: Well, I didn't have my
5 computer either.

6 THE CHAIRMAN: Well, is it really all
7 that material for the purposes of the intent of the
8 question?

9 MR. FREIDIN: I think it is always
10 important for the intent of the question that one be as
11 accurate as possible.

12 MR. HANNA: I would agree with Mr.
13 Freidin on that point, Mr. Chairman.

14 ---Discussion off the record

15 THE CHAIRMAN: All right. Ladies and
16 gentlemen, we were just conferring to see when we are
17 going to adjourn this proceeding to, and it looks like,
18 if my memory serves me correctly, we will adjourn to --
19 I believe it is June the 2nd -- sorry, 1st, the
20 Thursday, in Toronto at the Board's hearing room and I
21 think we will attempt to start at 10:30 because the
22 rest of the parties can perhaps meet with Mr. Turkstra
23 prior to that.

24 MR. FREIDIN: His meeting is for the 2nd.

25 MS. SEABORN: The 2nd.

1 THE CHAIRMAN: I am sorry, his meeting is
2 on the 2nd. All right.

3 So then we will adjourn to I guess until
4 nine o'clock on the 1st in Toronto and we will continue
5 at that point with Ms. Swenarchuk, and then on the 2nd
6 we can perhaps start later in the morning in order that
7 counsel will have an opportunity to meet with Mr.
8 Turkstra for an hour, an hour and a half, and we will
9 have an idea at that point I suppose how long Ms.
10 Swenarchuk is going to actually be. She may be
11 finished by then, if we start early on the 1st.

12 Do counsel have any problem with that?

13 MR. FREIDIN: If I can just perhaps
14 advise, Mr. Mander was good enough to give me
15 information from Mr. Swenarchuk as to the exhibits that
16 she was going to be referring to in Toronto, including
17 the interrogatories.

18 If other parties want that information, I
19 would suggest that they perhaps speak to Mr. Mander so
20 they don't -- I'm not sure how they move their
21 material, but we have a list here of the limited number
22 of things that she wants to refer to.

23 THE CHAIRMAN: Okay. And we have fax
24 facilities in Toronto, so if there was something that
25 we absolutely required, I suppose there could be

1 communications with Thunder Bay and your office here if
2 necessary.

3 Thank you, ladies and gentlemen. Have a
4 good break.

5 ---Whereupon the hearing adjourned at 12:30 a.m., to
6 be reconvened on Thursday, June 1st, 1989,
 commencing at 9:00 a.m.

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